

*Codification
of*

*Presidential
Proclamations
and
Executive
Orders*

April 13, 1945—January 20, 1989



*Office of the Federal Register
National Archives and Records Administration*

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FOREWORD

The *Codification of Presidential Proclamations and Executive Orders* is an editorial codification prepared by the Office of the Federal Register and is not intended to be used as a definitive legal authority. It is published to provide in one convenient reference source proclamations and Executive orders with general applicability and continuing effect. This codification covers the period April 13, 1945, through January 20, 1989—a timespan encompassing the administrations of Harry S. Truman through Ronald Reagan—and replaces the previous volume, which covered the period January 20, 1961, through January 20, 1985. Proclamations and Executive orders issued before April 13, 1945, are included if they were amended or otherwise affected by documents issued during the 1945–1989 period.

Incorporated into the text of each codified proclamation and Executive order are all amendments which were in effect on January 20, 1989. The source of the basic document as well as each effective amendment is identified, including publication citations for the *Federal Register* and the *Code of Federal Regulations*. Also reflected are changes made by a document other than a proclamation or Executive order, such as a public law or Federal regulation.

The *Codification* does not include certain documents for which complete information for the same period is available from other sources. Examples are documents affecting public lands, the selective service system, and the Tariff Schedules of the United States. For further information on the selection of documents for this publication, see the editorial note to the Disposition Tables on page 971.

The *Codification* is divided into 50 chapters, representing broad subject areas similar to the title designations of the *Code of Federal Regulations* and the *United States Code*. Each proclamation and Executive order issued during the 1945–1989 period that has general applicability and continuing effect is assigned to an appropriate subject chapter. If a document relates to more than one subject, the most appropriate chapter is selected.

A special feature of the *Codification* is the Disposition Tables at the end of this volume. All proclamations and Executive orders issued during the 1945–1989 period are listed with their amendments, an indi-

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cation of their current status, and chapter designations where applicable.

This book was prepared by Kenneth R. Payne, John H. Hedges, Susannah C. Hurley, and Kristine M. Moss, with special assistance from John T. Taulton. Comments and suggestions are welcomed by the Presidential Documents and Legislative Division, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408. Phone, (202) 523-5230.

MARTHA L. GIRARD,

*Acting Director of the Federal
Register.*

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CHAPTER 1—[RESERVED]

CHAPTER 2—CLEMENCY

Proclamations

- 2676 Granting pardon to certain persons who have served in the armed forces of the United States
- 2762 Granting pardon to certain persons convicted of violating the Selective Training and Service Act of 1940 as amended
- 3000 Granting pardon to certain persons who have served in the armed forces of the United States since June 25, 1950
- 3001 Granting amnesty and pardon to certain persons convicted by court-martial of desertion from the armed forces of the United States
- 4483 Granting pardon for violations of the Selective Service Act, August 4, 1964, to March 28, 1973

Executive Orders

- 11967 Relating to violations of the Selective Service Act, August 4, 1964 to March 28, 1973

Proclamation 2676—Granting pardon to certain persons who have served in the armed forces of the United States

SOURCE: The provisions of Proclamation 2676 of Dec. 24, 1945, appear at 10 FR 15409, 3 CFR, 1943-1948 Comp., p. 72, unless otherwise noted.

WHEREAS the Constitution of the United States provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS subsequent to July 29, 1941, there were inducted and enrolled in the armed forces of the United States persons who had prior to their entry, induction or enrollment been convicted of offenses against the laws of the United States or the Territory of Alaska, other than the laws for the government of the Army and Navy; and

WHEREAS it appears that such convicted persons who have or shall hereafter be honorably discharged or separated from the armed forces, or separated with honor from active service therein, after serving in active status for not less than one year ought to have restored to them the political, civil, and other rights of which they were deprived

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by reason of such conviction and which may not be restored to them unless they are pardoned:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby grant a full pardon to all persons convicted of violation of any law of the United States or of the Territory of Alaska, except the laws for the government of the Army and the Navy, who on or after the twenty-ninth day of July, 1941, and prior to the date hereof, entered, enrolled in, or were inducted into the armed forces of the United States and who after serving in active status for not less than one year have been or shall hereafter be honorably discharged or separated therefrom, or separated under honorable conditions from active service therein: *Provided, however,* that such pardon shall not be construed to include the pardon of such persons for any offenses for which conviction has been obtained after the date of such entry, enrollment, or induction into service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of December, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

Proclamation 2762—Granting pardon to certain persons convicted of violating the Selective Training and Service Act of 1940 as amended

SOURCE: The provisions of Proclamation 2762 of Dec. 23, 1947, appear at 12 FR 8731, 3 CFR, 1943-1948 Comp., p. 145, unless otherwise noted.

WHEREAS by Executive Order No. 9814 of December 23, 1946, there was established the President's Amnesty Board, the functions and duties of which were set out in paragraph 2 of the said Executive order as follows:

"The Board, under such regulations as it may prescribe, shall examine and consider the cases of all persons convicted of violation of the Selective Training and Service Act of 1940, as amended (50 U.S.C. App. 301 ff.), or of any rule or regulation prescribed under or pursuant to that Act, or convicted of a conspiracy to violate that Act or any rule or regulation prescribed under or pursuant thereto. In any case in which it deems it desirable to do so, the Board shall make a report to the Attorney General which shall include its findings and its recommendations as to whether Executive clemency should be granted or denied, and, in any case in which it recommends that Executive clemency be granted, its recommendations with respect to the form that such clemency should take. The Attorney General shall report the findings and recommendations of the Board to the President, with such further recommendations as he may desire to make."

and

WHEREAS the Board, after considering all cases coming within the scope of paragraph 2 of the said Executive order, has made a report to the Attorney General, which includes the findings of the Board and its recommendation that Executive clemency be granted in certain of such cases; and

WHEREAS the Attorney General has submitted such report to me with his approval of the recommendation made by the Board with respect to Executive clemency; and

WHEREAS upon consideration of the report and recommendation of the Board and the recommendation of the Attorney General, it ap-

Chapter 2—Clemency

pears that certain persons convicted of violating the Selective Training and Service Act of 1940 as amended ought to have restored to them the political, civil, and other rights of which they were deprived by reason of such conviction and which may not be restored to them unless they are pardoned:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by Article II of the Constitution of the United States, do hereby grant a full pardon to those persons convicted of violating the Selective Training and Service Act of 1940 as amended whose names are included in the list of names attached hereto and hereby made a part of this proclamation.¹

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of December in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

Proclamation 3000—Granting pardon to certain persons who have served in the armed forces of the United States since June 25, 1950

SOURCE: The provisions of Proclamation 3000 of Dec. 24, 1952, appear at 17 FR 11833, 3 CFR, 1949-1953 Comp., p. 175, unless otherwise noted.

WHEREAS the Constitution of the United States provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS there have entered, enrolled in, or been inducted into the armed forces of the United States persons who had prior to their entry, enrollment, or induction been convicted of offenses against the laws of the United States, other than the laws for the government of the armed forces of the United States; and

WHEREAS it appears that such convicted persons who have been or shall hereafter be honorably discharged or separated from the armed forces, or separated with honor from active service therein, after serving in active status for not less than one year subsequent to June 25, 1950 ought to be pardoned:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby grant a full pardon to all persons convicted of violation of any law of the United States, except the laws for the government of the armed forces of the United States, who prior to the date hereof entered, enrolled in, or were inducted into the armed forces of the United States and who after serving in active status for not less than one year subsequent to June 25, 1950 have been or shall hereafter be honorably discharged or separated therefrom, or separated under honorable conditions from active service therein: *Provided, however*, that such pardon shall not be construed to include the pardon of such persons for any offenses for which conviction has been obtained after the date of such entry, enrollment, or induction.

¹ EDITORIAL NOTE: A list of the names of those pardoned by Proclamation 2762 appears at 3 CFR, 1943-1948 Comp., p. 145.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of December, in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

Proclamation 3001—Granting amnesty and pardon to certain persons convicted by court-martial of desertion from the armed forces of the United States

SOURCE: The provisions of Proclamation 3001 of Dec. 24, 1952, appear at 17 FR 11833, 3 CFR, 1949-1953 Comp., p. 175, unless otherwise noted.

WHEREAS section 2 of Article II of the Constitution of the United States of America provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS section 306 of the Nationality Act of 1940 (54 Stat. 1141) provides in part that a person who at any time during which the United States is at war deserts the military or naval forces of the United States shall upon conviction thereof by a court-martial be ineligible to become a citizen of the United States, and that such deserters shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights as citizens thereof; and

WHEREAS section 401 (a) (g) of the said Act, as amended by section 1 of the act of January 20, 1944, 58 Stat. 4, provides in part that any person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by deserting the military or naval forces of the United States in time of war, provided that he is convicted thereof by court-martial and as a result of such conviction is dismissed or dishonorably discharged from the service of such military or naval forces; and

WHEREAS section 314 and section 349 (a) (8) of the Immigration and Nationality Act (66 Stat. 241, 268) contains substantially the same provisions as those contained in the said sections 306 and 401 (a) (g), respectively, of the Nationality Act of 1940, and are expressly applicable to desertion from the air forces, as well as the military and naval forces, of the United States; and

WHEREAS active hostilities in World War II terminated on August 14, 1945, but the last of the states of war existing at that time was not formally and legally terminated until April 28, 1952; and

WHEREAS no active hostilities existed between August 14, 1945, and June 25, 1950, the date of the Korean invasion; and

WHEREAS it appears that it would be in the public interest to grant amnesty and pardon, to the extent hereafter indicated, to all persons who deserted from the armed forces of the United States on or after August 14, 1945, and prior to June 25, 1950, and consequently were, or may hereafter be, convicted by court-martial of desertion committed in time of war, and to all persons who as a result of such conviction were or may hereafter be, dismissed or dishonorably discharged from the armed forces of the United States:

Chapter 2—Clemency

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of Article II of the Constitution of the United States of America do hereby grant amnesty and pardon to all persons who have heretofore been, or may hereafter be, convicted by court-martial of desertion from any branch of the armed forces of the United States in time of war committed on or after August 14, 1945, but prior to June 25, 1950, and also to all persons who as a result of such conviction have been, or may hereafter be, dismissed or dishonorably discharged from the armed forces of the United States, to the extent that there shall be, and hereby is, fully remitted as to such persons any relinquishment, loss, or forfeiture of their rights (including the right to become a citizen of the United States), capacities, or nationality, incurred under the provisions of the said sections 306 and 401 (a) (g) of the Nationality Act of 1940 and the said sections 314 and 349 (a) (8) of the Immigration and Nationality Act as a result of such conviction, or of such conviction and dismissal or dishonorable discharge from the armed forces of the United States.

Nothing in this proclamation shall be construed as removing, or as authorizing the removal of, any charge of desertion which may now be pending on the rolls or records of the United States in the case of any person, or as pardoning, remitting, or mitigating any penalties to which any person is now, or may hereafter become, liable except as hereinbefore specifically provided.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington on this 24th day of December in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

Proclamation 4483—Granting pardon for violations of the Selective Service Act, August 4, 1964, to March 28, 1973

SOURCE: The provisions of Proclamation 4483 of Jan. 21, 1977, appear at 42 FR 4391, 3 CFR, 1977 Comp., p. 4, unless otherwise noted.

Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of the United States, I, Jimmy Carter, President of the United States, do hereby grant a full, complete and unconditional pardon to: (1) all persons who may have committed any offense between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act or any rule or regulation promulgated thereunder; and (2) all persons heretofore convicted, irrespective of the date of conviction, of any offense committed between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, restoring to them full political, civil and other rights.

This pardon does not apply to the following who are specifically excluded therefrom:

(1) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, involving force or violence; and

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(2) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, in connection with duties or responsibilities arising out of employment as agents, officers or employees of the Military Selective Service system.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of January, in the year of our Lord nineteen hundred and seventy-seven, and of the Independence of the United States of America the two hundred and first.

Executive Order 11967—Relating to violations of the Selective Service Act, August 4, 1964 to March 28, 1973

SOURCE: The provisions of Executive Order 11967 of Jan. 21, 1977, appear at 42 FR 4331, 3 CFR, 1977 Comp., p. 91, unless otherwise noted.

The following actions shall be taken to facilitate Presidential Proclamation of Pardon of January 21, 1977:

1. The Attorney General shall cause to be dismissed with prejudice to the government all pending indictments for violations of the Military Selective Service Act alleged to have occurred between August 4, 1964 and March 28, 1973 with the exception of the following:

(a) Those cases alleging acts of force or violence deemed to be so serious by the Attorney General as to warrant continued prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

2. The Attorney General shall terminate all investigations now pending and shall not initiate further investigations alleging violations of the Military Selective Service Act between August 4, 1964 and March 28, 1973, with the exception of the following:

(a) Those cases involving allegations of force or violence deemed to be so serious by the Attorney General as to warrant continued investigation, or possible prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

3. Any person who is or may be precluded from reentering the United States under 8 U.S.C. 1182(a)(22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act shall be permitted as any other alien to reenter the United States.

The Attorney General is directed to exercise his discretion under 8 U.S.C. 1182(d)(5) or other applicable law to permit the reentry of such persons under the same terms and conditions as any other alien.

This shall not include anyone who falls into the exceptions of paragraphs 1 (a) and (b) and 2 (a) and (b) above.

4. Any individual offered conditional clemency or granted a pardon or other clemency under Executive Order 11803 or Presidential Proclamation 4313, dated September 16, 1974, shall receive the full measure of relief afforded by this program if they are otherwise qualified under the terms of this Executive Order.

CHAPTER 3—EXECUTIVE OFFICE OF THE PRESIDENT

Executive Orders

- 8248 Establishing the divisions of the Executive Office of the President and defining their functions and duties
- 9586 The Medal of Freedom
- 10347 Providing for the affixing of the Seal of the United States to certain Presidential documents
- 10860 Coat of arms, seal, and flag of the President of the United States
- 10879 Establishing the Presidential Service Certificate and the Presidential Service Badge
- 11030 Preparation, presentation, filing, and publication of Executive orders and proclamations
- 11456 Providing for a Special Assistant to the President for Liaison with Former Presidents
- 11494 Establishing the Presidential Citizens Medal
- 11649 Regulations governing the seals of the President and the Vice President of the United States
- 11690 Delegation of certain functions to the Executive Director of the Domestic Council
- 11884 Prescribing the official coat of arms, seal, and flag of the Vice President of the United States
- 11926 The Vice Presidential Service Badge
- 12028 Office of Administration in the Executive Office of the President
- 12045 Relating to the Domestic Policy Staff, the Office of Drug Abuse Policy, and the Economic Opportunity Council
- 12112 Seal for the Office of Administration
- 12134 Printing services within the Executive Office
- 12296 President's Economic Policy Advisory Board
- 12667 Presidential records

Executive Order 8248—Establishing the divisions of the Executive Office of the President and defining their functions and duties

SOURCE: The provisions of Executive Order 8248 of Sept. 8, 1939, appear at 4 FR 3864, 3 CFR, 1938-1943 Comp., p. 576, unless otherwise noted.

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By virtue of the authority vested in me by the Constitution and Statutes, and in order to effectuate the purposes of the Reorganization Act of 1939, Public No. 19, Seventy-sixth Congress, approved April 3, 1939, and of Reorganization Plans Nos. I and II submitted to the Congress by the President and made effective as of July 1, 1939 by Public Resolution No. 2, Seventy-sixth Congress, approved June 7, 1939, by organizing the Executive Office of the President with functions and duties so prescribed and responsibilities so fixed that the President will have adequate machinery for the administrative management of the Executive branch of the Government, it is hereby ordered as follows:

I

There shall be within the Executive Office of the President the following principal divisions, namely: (1) The White House Office, (2) the Office of Management and Budget, (3) the National Resources Planning Board,¹ (4) the Office of Government Reports,² and (5) in the event of a national emergency, or threat of a national emergency, such office for emergency management as the President shall determine.

[Part I amended by EO 10452 of May 1, 1953, 18 FR 2599, 3 CFR, 1949-1953 Comp., p. 940; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

II

The functions and duties of the divisions of the Executive Office of the President are hereby defined as follows:

1. *The White House Office.*—In general, to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office. To that end, The White House Office shall be composed of the following principal subdivisions, with particular functions and duties as indicated:

(a) *The Secretaries to the President.*—To facilitate and maintain quick and easy communication with the Congress, the individual members of the Congress, the heads of executive departments and agencies, the press, the radio, and the general public.

(b) *The Executive Clerk.*—To provide for the orderly handling of documents and correspondence within The White House Office, and to organize and supervise all clerical services and procedure relating thereto.

(c) *The Administrative Assistants to the President.*—To assist the President in such matters as he may direct, and at the specific request of the President, to get information and to condense and summarize it for his use. These Administrative Assistants shall be personal aides to the President and shall have no authority over anyone in any department or agency, including the Executive Office of the President, other, than

¹ EDITORIAL NOTE: The National Resources Planning Board was terminated by act approved June 26, 1943 (57 Stat. 169, 5 U.S.C. 133 nt.), effective Aug. 31, 1943.

² EDITORIAL NOTE: The Office of Government Reports was consolidated into the Office of War Information in the Office for Emergency Management by Executive Order 9182 of June 13, 1942. The Office was reestablished within the Executive Office of the President by Executive Order 9809 of Dec. 12, 1946. The Office was terminated on June 30, 1948.

Chapter 3—Executive Office of the President

the personnel assigned to their immediate offices. In no event shall the Administrative Assistants be interposed between the President and the head of any department or agency, or between the President and any one of the divisions in the Executive Office of the President.

2. *The Office of Management and Budget.*—(a) To assist the President in the preparation of the Budget and the formulation of the fiscal program of the Government.

(b) To supervise and control the administration of the Budget.

(c) To conduct research in the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

(d) To aid the President to bring about more efficient and economical conduct of Government service.

(e) To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

(f) To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations, in accordance with the provisions of Executive Order No. 7298 of February 18, 1936.

(g) To plan and promote the improvement, development, and coordination of Federal and other statistical services.

(h) To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government; all to the end that the work programs of the several agencies of the Executive branch of the Government may be coordinated and that the monies appropriated by the Congress may be expended in the most economical manner possible with the least possible overlapping and duplication of effort.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

3. *The National Resources Planning Board.*—(a) To survey, collect data on, and analyze problems pertaining to national resources, both natural and human, and to recommend to the President and the Congress long-time plans and programs for the wise use and fullest development of such resources.

(b) To consult with Federal, regional, state, local, and private agencies in developing orderly programs of public works and to list for the President and the Congress all proposed public works in the order of their relative importance with respect to (1) the greatest good to the greatest number of people, (2) the emergency necessities of the Nation, and (3) the social, economic, and cultural advancement of the people of the United States.

(c) To inform the President of the general trend of economic conditions and to recommend measures leading to their improvement of stabilization.

(d) To act as a clearing house and means of coordination for planning activities, linking together various levels and fields of planning.

4. [Revoked]

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[Sec. 4 revoked by EO 10452 of May 1, 1953, 18 FR 2599, 3 CFR, 1949-1953 Comp., p. 940]

5. *The Office of Government Reports.*—(a) To provide a central clearing house through which individual citizens, organizations of citizens, state or local governmental bodies, and, where appropriate, agencies of the Federal Government, may transmit inquiries and complaints and receive advice and information.

(b) To assist the President in dealing with special problems requiring the clearance of information between the Federal Government and state and local governments and private institutions.

(c) To collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public.

(d) To keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of state and local governments with respect to the work of Federal agencies.

(e) To report to the President on the basis of the information it has obtained possible ways and means for reducing the cost of the operation of the Government.

III

The Office of Management and Budget and the National Resources Planning Board shall constitute the two principal management arms of the Government for the (1) preparation and administration of Budget and improvement of administrative management and organization and (2) planning for conservation and utilization of the resources of the Nation, none of which belongs in any department but which are necessary for the over-all management of the Executive branch of the Government, so that the President will be enabled the better to carry out his Constitutional duties of informing the Congress with respect to the state of the Union, of recommending appropriate and expedient measures, and of seeing that the laws are faithfully executed.

[Part III amended by EO 10452 of May 1, 1953, 18 FR 2599, 3 CFR, 1949-1953 Comp., p. 940; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

IV

To facilitate the orderly transaction of business within each of the four divisions herein defined and to clarify the relations of these divisions with each other and with the President, I direct that the Office of Management and Budget, the National Resources Planning Board, and the Office of Government Reports shall respectively prepare regulations for the governance of their internal organizations and procedures. Such regulations shall be in effect when approved by the President and shall remain in force until changed by new regulations approved by him. The President will prescribe regulations governing the conduct of the business of the division of The White House Office.

[Part IV amended by EO 10452 of May 1, 1953, 18 FR 2599, 3 CFR, 1949-1953 Comp., p. 940; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Chapter 3—Executive Office of the President

V

The Director of the Office of Management and Budget shall prepare a consolidated budget for the Executive Office of the President for submission by the President to the Congress. Annually, pursuant to the regular request issued by the Office of Management and Budget, each division of the Executive Office of the President shall prepare and submit to the Office estimates of proposed appropriations for the succeeding fiscal year. The form of the estimates and the manner of their consideration for incorporation in the Budget shall be the same as prescribed for other Executive departments and agencies.

The Office of Management and Budget shall likewise perform with respect to the several divisions of the Executive Office of the President such functions and duties relating to supplemental estimates, apportionments, and budget administration as are exercised by it for other agencies of the Federal Government.

[Part V amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

VI

Space already has been assigned in the State, War and Navy Building, adjacent to The White House, sufficient to accommodate the Office of Management and Budget with its various divisions (including the Central Statistical Board), the central office of the National Resources Planning Board, and the Administrative Assistants to the President, and although for the time being, a considerable portion of the work of the National Resources Planning Board and all of that of the Office of Government Reports will have to be conducted in other quarters, if and when the Congress makes provision for the housing of the Department of State in a building appropriate to its function and dignity and provision is made for the other agencies now accommodated in the State, War and Navy Building, it then will be possible to bring into this building, close to The White House, all of the personnel of the Executive Office of the President except The White House Office.

This Order shall take effect on September 11th 1939.

[Part VI amended by EO 10452 of May 1, 1953, 18 FR 2599, 3 CFR, 1949-1953 Comp., p. 940; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 9586—The Medal of Freedom

SOURCE: The provisions of Executive Order 9586 of July 6, 1945, appear at 10 FR 8523, 3 CFR, 1943-1948 Comp., p. 410, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

[Introductory paragraph amended by EO 10336 of Apr. 3, 1952, 17 FR 2957, 3 CFR, 1949-1953 Comp., p. 858]

SECTION 1. Medal established. The Medal of Freedom is hereby re-established as the Presidential Medal of Freedom, with accompanying ribbons and appurtenances. The Presidential Medal of Freedom, herein after referred to as the Medal, shall be in two degrees.

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[Sec. 1 amended by EO 11085 of Feb. 22, 1963, 28 FR 1759, 3 CFR, 1959-1963 Comp., p. 719]

SEC. 2. *Award of the Medal.* (a) The medal may be awarded by the President as provided in this order to any person who has made an especially meritorious contribution to (1) the security or national interests of the United States, or (2) world peace, or (3) cultural or other significant public or private endeavors.

(b) The President may select for the award of the Medal any person recommended to the President for award of the Medal or any person selected by the President upon his own initiative.

(c) The principal announcement of awards of the Medal shall normally be made annually, on or about July 4 of each year; but such awards may be made at other times, as the President may deem appropriate.

(d) Subject to the provisions of this Order, the Medal may be awarded posthumously.

[Sec. 2 amended by EO 11085 of Feb. 22, 1963, 28 FR 1759, 3 CFR, 1959-1963 Comp., p. 719; EO 11515 of Mar. 13, 1970, 35 FR 4543, 3 CFR, 1966-1970 Comp., p. 905. Secs. 3-6 removed by EO 11515 of Mar. 13, 1970, 35 FR 4543, 3 CFR, 1966-1970 Comp., p. 905]

Executive Order 10347—Providing for the affixing of the Seal of the United States to certain Presidential documents

SOURCE: The provisions of Executive Order 10347 of Apr. 18, 1952, appear at 17 FR 3521, 3 CFR, 1949-1953 Comp., p. 870, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (section 10, Public Law 248, approved October 31, 1951, 65 Stat. 713), and as President of the United States, I hereby authorize and direct the Secretary of State to affix the Seal of the United States, pursuant to section 42 of title 4 of the United States Code, without any special warrant therefor, other than this order, to each document included within any of the following classes of documents when such document has been signed by the President and, in the case of any such document to which the counter-signature of the Secretary of State is required to be affixed, has been counter-signed by the said Secretary:

1. Proclamations by the President of treaties, conventions, protocols, or other international agreements.

[Para. 1 amended by EO 11354 of May 23, 1967, 32 FR 7695, 3 CFR, 1966-1970 Comp., p. 652]

2. Instruments of ratification of treaties.

3. Full powers to negotiate treaties and to exchange ratifications.

4. Letters of credence and recall and other communications from the President to heads of foreign governments.

[Former para. 4 deleted and new para. 4 redesignated from para. 5 by EO 11517 of Mar. 19, 1970, 35 FR 4937, 3 CFR, 1966-1970 Comp., p. 906]

5. Exequaturs issued to those foreign consular officers in the United States whose commissions bear the signature of the chief of state which they represent.

[New para. 5 redesignated from para. 6 by EO 11517 of Mar. 19, 1970, 35 FR 4937, 3 CFR, 1966-1970 Comp., p. 906]

Chapter 3—Executive Office of the President

Executive Order 10860—Coat of arms, seal, and flag of the President of the United States

SOURCE: The provisions of Executive Order 10860 of Feb. 5, 1960, appear at 25 FR 1089, 3 CFR, 1959-1963 Comp., p. 393, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The Coat of Arms of the President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch and in his sinister a bundle of thirteen arrows all proper, and in his beak a white scroll inscribed "E PLURIBUS UNUM" sable.

CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs proper, and a constellation of thirteen mullets argent.

The whole surrounded by white stars arranged in the form of an annulet with one point of each star outward on the imaginary radiating center lines, the number of stars conforming to the number of stars in the union of the Flag of the United States as established by chapter 1 of title 4 of the United States Code.

SEC. 2. The Seal of the President of the United States shall consist of the Coat of Arms encircled by the words "Seal of the President of the United States."

SEC. 3. The Color and Flag of the President of the United States shall consist of a dark line blue rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the President in proper colors. The proportions of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.

SEC. 4. The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof. These designs shall be used to represent the President of the United States exclusively.

SEC. 5. This order shall become effective on July 4, 1960, and Executive Order No. 10823 of May 26, 1959, shall be superseded as of that date.

EDITORIAL NOTE: A list of specifications for the flag, a photograph of the flag, an attachment detailing the proportions of the design of the flag, and an illustration of the President's seal, all of which were attached to and made a part of Executive Order 10860, are printed in 3 CFR, 1959-1963 Comp., pp. 394-396.

Executive Order 10879—Establishing the Presidential Service Certificate and the Presidential Service Badge

SOURCE: The provisions of Executive Order 10879 of June 1, 1960, 25 FR 4893, 3 CFR, 1959-1963 Comp., p. 411, were revised and restated in their entirety by Executive Order 11174 of Sept. 1, 1964. These provisions, as revised, appear at 29 FR 12547, 3 CFR, 1964-1965 Comp., p. 239, unless otherwise noted.

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By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. *Certificate established.* The White House Service Certificate is hereby reestablished as the Presidential Service Certificate, to be awarded in the name of the President of the United States to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard who have been assigned to the White House Office or to military units and support facilities under the administration of the Military Assistant to the President for a period of at least one year subsequent to January 20, 1969.

[Para. 1 amended by EO 11520 of Mar. 25, 1970, 35 FR 5171, 3 CFR, 1966-1970 Comp., p. 911]

2. *Award of the Certificate.* The Presidential Service Certificate, the design of which accompanies and is hereby made a part of this Order, shall be awarded by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, to military personnel of their respective services.

[Para. 2 amended by EO 11407 of Apr. 23, 1968, 33 FR 6283, 3 CFR, 1966-1970 Comp., p. 723]

3. *Badge established.* The White House Service Badge is replaced by the Presidential Service Badge, the design of which accompanies and is hereby made a part of this Order. The Presidential Service Badge may be awarded to any member of the Armed Forces assigned to duty in the White House Office or to military units and support facilities under the administration of the Military Assistant to the President by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, upon recommendation of the Military Assistant to the President, to military personnel of their respective services. The Badge may be worn as a part of the uniform of those individuals upon award of the Presidential Service Certificate under such regulations as the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, with the approval of the Secretary of Defense, and, when the Coast Guard is not operating as a service in the Navy, the Commandant of the Coast Guard, with the approval of the Secretary of Transportation, may severally prescribe.

[Para. 3 amended by EO 11520 of Mar. 25, 1970, 35 FR 5171, 3 CFR, 1966-1970 Comp., p. 911]

4. Only one Presidential Service Certificate will be awarded to an individual during an administration. Only one Presidential Service Badge will be awarded.

5. The Presidential Service Certificate and the Presidential Service Badge established by this Order may be granted posthumously.

EDITORIAL NOTE: An illustration of the Presidential Service Badge, which was attached to and made a part of Executive Order 10879, is printed in 3 CFR, 1959-1963 Comp., p. 412. An illustration of the Presidential Service Certificate, which was attached to and made a part of Executive Order 11174, is printed in 3 CFR, 1964-1965 Comp., p. 240.

Chapter 3—Executive Office of the President

Executive Order 11030—Preparation, presentation, filing, and publication of Executive orders and proclamations

SOURCE: The provisions of Executive Order 11030 of June 19, 1962, appear at 27 FR 5847, 3 CFR, 1959–1963 Comp., p. 610, unless otherwise noted.

By virtue of the authority vested in me by the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. 301 *et seq.*), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and publication of Executive orders and proclamations:

SECTION 1. *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the decisions of the Board of Geographic Names, established by Section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation—

IN WITNESS WHEREOF, I have hereunto set my hand this . . . day of . . . , in the year of our Lord . . . , and of the Independence of the United States of America the . . .

[Sec. 1 amended by EO 11354 of May 23, 1967, 32 FR 7695, 3 CFR, 1966–1970 Comp., p. 652]

SEC. 2. *Routing and approval of drafts.* (a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Office of Management and Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Office of Management and Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Administration: *Provided*, that in cases involving sufficient urgency the Attorney General

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may transmit it directly to the President; and *provided further*, that the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of Section 1 of this order and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Office of Management and Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. *Routing and certification of originals and copies.*

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in subsection (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: Certified to be a true copy of the original.

[Sec. 3 amended by EO 11354 of May 23, 1967, 32 FR 7695, 3 CFR, 1966-1970 Comp., p. 652]

SEC. 4. *Proclamations calling for the observance of special days or events.* Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Office of Management and Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least sixty days before the date of the specified observance. Notwithstanding the provisions of Section 2, the Director shall transmit any approved commemorative proclamations to the President.

[Sec. 4 amended by EO 12080 of Sept. 18, 1978, 43 FR 42235, 3 CFR, 1978 Comp., p. 224; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. *Proclamations of treaties excluded.* Consonant with the provisions of Section 12 of the Federal Register Act (49 Stat. 503; 44 U.S.C. 1511), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

[Sec. 5 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 6. *Definition.* The term "Presidential proclamations and Executive orders," as used in Section 5(a) of the Federal Register Act (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

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[Sec. 6 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 7. *Prior order.* Upon its publication in the FEDERAL REGISTER,¹ this order shall supersede Executive Order No. 10006 of October 9, 1948.

The regulations prescribed by this order shall be codified under Title 1 of the Code of Federal Regulations.²

Executive Order 11456—Providing for a Special Assistant to the President for Liaison with Former Presidents

SOURCE: The provisions of Executive Order 11456 of Feb. 14, 1969, appear at 34 FR 2301, 3 CFR, 1966–1970 Comp., p. 777, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the White House Office a Special Assistant to the President for Liaison with Former Presidents (referred to hereinafter as the Special Assistant).

SEC. 2. (a) On behalf of the President, the Special Assistant shall maintain channels of communication between the President and each former living President of the United States, to the end that (1) each such former President shall be kept abreast of such developments as the President may desire; and (2) the President may avail himself of the counsel and advice of any or all of such former Presidents with respect to major matters, particularly of a national security nature, currently confronting the President.

(b) The Special Assistant shall also—

(1) Keep each former President currently informed of the major aspects of such principal international and domestic problems as the President directs;

(2) Arrange to secure from such former Presidents, or any of them, and convey to the President, their views on such issues as the President may designate; and

(3) Arrange to secure and convey to the President such views as any of the former Presidents may wish to communicate to the President on any issue of current interest or concern.

SEC. 3. (a) The Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, and the Executive Secretary of the National Security Council shall each designate a member of his staff as a point of contact for the Special Assistant. The Special Assistant may call upon such designated staff members to supply information and render such other appropriate assistance as he may require in carrying out his duties under section 2 of this Order.

(b) Upon request of the Special Assistant, the head of any department or agency of the Federal Government shall designate a member of his staff as a point of contact to supply information and assistance for the Special Assistant in the performance of his duties in the same manner as provided in subsection (a) for staff members designated pursuant to that subsection.

¹ EDITORIAL NOTE: Published in the FEDERAL REGISTER of June 21, 1962.

² EDITORIAL NOTE: Codified at 1 CFR 19.

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SEC. 4. The Special Assistant shall be appointed by the President and shall serve at the pleasure of the President. He shall receive compensation at such rate as the President, consonant with law, may prescribe.

SEC. 5. (a) The Special Assistant shall have such staff and other assistance as may be necessary to carry out his duties under this Order.

(b) The Special Assistant shall be provided with such office space as may be necessary to carry out his duties under this Order, and shall also be provided with such office space, and maintenance thereof, as may be necessary for the use of former Presidents at the seat of Government when they are engaged in any effort of interest or concern to the President.

SEC. 6. (a) The compensation and expenses of the Special Assistant and members of his staff shall be paid from the appropriation under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, or any corresponding appropriation which may be made for subsequent fiscal years, or from such other appropriated funds as may be available under law.

(b) The General Services Administration shall provide, on a reimbursable basis, such administrative services and facilities for the Special Assistant as the White House Office may request.

Executive Order 11494—Establishing the Presidential Citizens Medal

SOURCE: The provisions of Executive Order 11494 of Nov. 13, 1969, appear at 34 FR 18291, 3 CFR, 1966-1970, Comp., p. 877, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Medal established.* The Presidential Citizens Medal (hereinafter referred to as the Medal), together with accompanying ribbons and appurtenances, is hereby established for the purpose of recognizing citizens of the United States of America who have performed exemplary deeds of service for their country or their fellow citizens.

SEC. 2. *Award of the Medal.* (a) The Medal may be bestowed by the President upon any citizen of the United States at the sole discretion of the President.

(b) The announcement of the granting of the Medal and the presentation ceremonies may take place at any time during the year.

(c) Subject to the provisions of this order, the Medal may be conferred posthumously.

SEC. 3. *Design of the Medal.* The Army Institute of Heraldry shall prepare for the approval of the President a design of the Medal, citation, and ribbon.

SEC. 4. *Prior orders.* The establishment of the Medal shall not operate to terminate any other medal and this order shall not be deemed to supersede the whole or any part of any other Executive order.

Executive Order 11649—Regulations governing the seals of the President and the Vice President of the United States

SOURCE: The provisions of Executive Order 11649 of Feb. 16, 1972, appear at 37 FR 3625, 3 CFR, 1971-1975 Comp., p. 675, unless otherwise noted.

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By virtue of the authority vested in me by section 713(b) of title 18, United States Code, I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States:

SECTION 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

- (a) Use by the President or Vice President of the United States;
- (b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency;
- (c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;
- (d) Use as an architectural embellishment in libraries, museums, or archives established to house the papers or effects of former Presidents or Vice Presidents;
- (e) Use on a monument to a former President or Vice President;
- (f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;
- (g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

[Sec. 1 amended by EO 11916 of May 28, 1976, 41 FR 22031, 3 CFR, 1976 Comp., p. 119]

SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

Executive Order 11690—Delegation of certain functions to the Executive Director of the Domestic Council

SOURCE: The provisions of Executive Order 11690 of Dec. 14, 1972, appear at 37 FR 26815, 3 CFR, 1971-1975 Comp., p. 732, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States, Part II of Reorganization Plan No. 2 of 1970, and as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Executive Director of the Domestic Council.* In addition to the functions heretofore assigned, the Executive Director of the Domestic Council shall assist the President with respect to intergovernmental relations generally. In addition, he shall:

(1) serve as the coordinator for the prompt handling and solution of Federal-State-local problems brought to the attention of the President or Vice President by executive and legislative officers of State and local governments;

(2) identify and report to the President on recurring intergovernmental problems of a Federal interdepartmental and interprogram nature;

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(3) explore and report to the President on ways and means of strengthening the headquarters and interagency relationships of Federal field offices as they relate to intergovernmental activities;

(4) maintain continuing liaison with intergovernmental units in Federal departments and agencies; and

(5) review procedures utilized by Federal executive agencies for affording State and local officials an opportunity to confer and comment on Federal assistance programs and other intergovernmental issues, and propose methods of strengthening such procedures.

SEC. 2. *Administrative Arrangements.* (a) All Federal departments, agencies, and interagency councils and committees having an impact on intergovernmental relations, and all Federal Executive Boards, shall extend full cooperation and assistance to the Director in carrying out his responsibilities under this order. The Director shall, upon request, assist all Federal departments and agencies with problems that may arise between them and the executive agencies or elected officials of State and local governments.

(b) The head of each Federal department and agency shall designate an appropriate official with broad general experience in his department or agency to serve, upon request of the Director, as a point of contact in carrying out Federal-State-local liaison activities under this order.

SEC. 3. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law, to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 4. *Revocation.* Executive Order No. 11455 of February 14, 1969, entitled "Establishing an Office of Intergovernmental Relations", is hereby revoked.

SEC. 5. *Records, Property, Personnel, and Funds.* The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Office of Intergovernmental Relations are hereby transferred to the Domestic Council.

SEC. 6. *Effective Date.* This Order shall be effective thirty days after this date.

EDITORIAL NOTE: Executive Order 12045 of Mar. 27, 1978, this chapter, p. 24, effected the abolition of the Domestic Council on Mar. 26, 1978, and provided for the transfer of all functions of the Council, as provided by Reorganization Plan No. 1 of 1977, 42 FR 56101, 3 CFR, 1977 Comp., p. 197, to the Domestic Policy Staff, which was redesignated as the Office of Policy Development in 1981.

Executive Order 11884—Prescribing the official coat of arms, seal, and flag of the Vice President of the United States

SOURCE: The provisions of Executive Order 11884 of Oct. 7, 1975, appear at 40 FR 47469, 3 CFR, 1971-1975 Comp., p. 1034.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

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SECTION 1. The Coat of Arms of the Vice President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch proper and in his sinister a bundle of thirteen arrows gray, and in his beak a gray scroll inscribed "E PLURIBUS UNUM" sable.

CREST: Behind and above the eagle a radiating glory or, on which appears on arc of thirteen cloud puffs gray, and a constellation of thirteen muliets gray.

SEC. 2. The Seal of the Vice President of the United States shall consist of the Coat of Arms encircled by the words "Vice President of the United States."

SEC. 3. The Color and Flag of the Vice President of the United States shall consist of a white rectangular background of sizes and proportions to conform to military custom, on which shall appear the Coat of Arms of the Vice President in proper colors within four blue stars. The proportions of the element of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military services.

SEC. 4. The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications attached hereto and made a part of this Order. These designs shall be used to represent the Vice President of the United States exclusively.

SEC. 5. This Order shall become effective immediately. Executive Order No. 10016 of November 10, 1948, is hereby revoked.

EDITORIAL NOTE: Illustrations of the Vice Presidential seal and the Vice Presidential flag and its specifications, which were attached to and made a part of Executive Order 11884, are printed in 3 CFR, 1971-1975 Comp., p. 1035.

Executive Order 11926—The Vice Presidential Service Badge

SOURCE: The provisions of Executive Order 11926 of July 19, 1976, appear at 41 FR 29805, 3 CFR, 1976 Comp., p. 133, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. There is established a Vice Presidential Service Badge to be awarded in the name of the Vice President of the United States of America to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard who have been assigned to duty in the Office of the Vice President for a period of at least one year subsequent to December 19, 1974.

SEC. 2. The Vice Presidential Service Badge may be awarded, upon recommendation of the Military Assistant to the Vice President, by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, to military personnel of their respective services who have been assigned to duty in the Office of the Vice President.

SEC. 3. The Vice Presidential Service Badge shall be accompanied by a certificate, the design of which is attached hereto and is made a part

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of this Order. The Vice Presidential Service Badge shall consist of a white enameled disc surrounded by 27 gold rays radiating from the center, 1 15/16 inches in diameter overall. Superimposed on the white disc shall be a gold color device taken from the seal of the Vice President of the United States. The overall design of the badge shall be as shown at the top of the certificate which accompanies the Badge and which is attached to this Order.

SEC. 4. Upon award, the Vice Presidential Service Badge may be worn as a part of the uniform of an individual both during and after his assignment to duty in the Office of the Vice President.

SEC. 5. Only one Vice Presidential Service Badge shall be awarded to an individual. It may be awarded posthumously.

SEC. 6. Notwithstanding the provisions of Sections 1 and 2 of this Order, any member of the Army, Navy, Air Force, Marine Corps, and Coast Guard, who has been assigned to duty in the Office of the Vice President, is authorized to wear the Vice Presidential Service Badge on his uniform commencing on the first day of duty in the Office of the Vice President and thereafter while assigned to such duty.

SEC. 7. Executive Order No. 11544 of July 8, 1970, is hereby superseded; however, individuals previously awarded a Vice Presidential Service Badge under that Order are authorized to continue to wear such badge as part of their uniform.

EDITORIAL NOTE: An illustration of the Vice Presidential Service Badge and Certificate, which was attached to and made a part of Executive Order 11926, is printed in 3 CFR, 1976 Comp., p. 135.

Executive Order 12028—Office of Administration in the Executive Office of the President

SOURCE: The provisions of Executive Order 12028 of Dec. 12, 1977, appear at 42 FR 62895, 3 CFR, 1977 Comp., p. 161, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), and as President of the United States of America, in order to effectuate the establishment of the Office of Administration in the Executive Office of the President, it is hereby ordered as follows:

SECTION 1. The establishment, provided by Section 2 of Reorganization Plan No. 1 of 1977 (42 FR 56101), of the Office of Administration in the Executive Office of the President shall be effective, as authorized by Section 7 of that Plan, on December 4, 1977.

SEC. 2. The Director of the Office of Administration, hereinafter referred to as the Director, shall report to the President. As the chief administrative officer of the Office of Administration, the Director shall be responsible for ensuring that the Office of Administration provides units within the Executive Office of the President common administrative support and services.

SEC. 3. (a) The Office of Administration shall provide common administrative support and services to all units within the Executive

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Office of the President, except for such services provided primarily in direct support of the President. The Office of Administration shall, upon request, assist the White House Office in performing its role of providing those administrative services which are primarily in direct support of the President.

(b) The common administrative support and services provided by the Office of Administration shall encompass all types of administrative support and services that may be used by, or useful to, units within the Executive Office of the President. Such services and support shall include, but not be limited to, providing support services in the following administrative areas:

(1) personnel management services, including equal employment opportunity programs;

(2) financial management services;

(3) data processing, including support and services;

(4) library, records, and information services;

(5) office services and operations, including: mail, messenger, printing and duplication, graphics, word processing, procurement, and supply services; and

(6) any other administrative support or service which will achieve financial savings and increase efficiency through centralization of the supporting service.

(c) Administrative support and services shall be provided to all units within the Executive Office of the President in a manner consistent with available funds and other resources, or in accord with Section 7 of the Act of May 21, 1920 (41 Stat. 613), as amended (31 U.S.C. 686, referred to as the Economy Act).

SEC. 4. (a) Subject to such direction or approval as the President may provide or require, the Director shall organize the Office of Administration, contract for supplies and services, and do all other things that the President, as head of the Office of Administration, might do.

(b) The Director is designated to perform the functions of the President under Section 107(b) of Title 3 of the United States Code.

(c) The Director may appoint and fix the pay of employees pursuant to the provisions of Section 107(b)(1)(A) of Title 3 of the United States Code without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Under that section the Director may also fix the pay of an employee serving in a competitive position or in the career service in order to avoid the pay limitation imposed by Section 114 of Title 3 of the United States Code. The provisions of other laws regulating the employment or compensation of persons in the Government service shall continue to apply to such employee.

(d) The Director shall not be accountable for the program and management responsibilities of units within the Executive Office of the President; the head of each unit shall remain responsible for those functions.

[Sec. 4 amended by EO 12122 of Feb. 26, 1979, 44 FR 11197, 3 CFR, 1979 Comp., p. 365]

SEC. 5. The primary responsibility for performing all administrative support and service functions of units within the Executive Office of the President shall be transferred and reassigned to the Office of Ad-

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ministration; except to the extent those functions are vested by law in the head of such a unit, other than the President; and except to the extent those functions are performed by the White House Office primarily in direct support of the President.

SEC. 6. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order from units within the Executive Office of the President to the Office of Administration, shall be transferred to the Office of Administration.

SEC. 7. (a) The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

(b) Such transfers shall become effective on April 1, 1978, or at such earlier time or times as the Director of the Office of Management and Budget determines, after consultation with the Director of the Office of Administration and other appropriate units within the Executive Office of the President.

Executive Order 12045—Relating to the Domestic Policy Staff, the Office of Drug Abuse Policy, and the Economic Opportunity Council

SOURCE: The provisions of Executive Order 12045 of Mar. 27, 1978, appear at 43 FR 13347, 3 CFR, 1978 Comp., p. 157, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for transfers of the functions of the Office of Drug Abuse Policy, the Domestic Council, and the Economic Opportunity Council, and the abolition of the Office of Drug Abuse Policy, and Domestic Council, and the Economic Opportunity Council, and for other purposes, it is hereby ordered as follows:

SECTION 1. (a) The transfer of all functions of the Domestic Council, as provided by Section 5D of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

(b) The redesignation of the Domestic Council Staff as the Domestic Policy Staff¹ and the other provisions of Section 1 of Reorganization Plan No. 1 of 1977 (42 FR 56101), are hereby effective.

(c) The abolition of the Domestic Council, as provided by Section 3A of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

(d) The Domestic Policy Staff shall perform such functions as the President may from time to time direct.

SEC. 2. (a) The transfer of all functions of the Office of Drug Abuse Policy and its Director, as provided by Section 5C of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

¹ EDITORIAL NOTE: Redesignated as the Office of Policy Development in 1981.

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(b) The abolition of the Office of Drug Abuse Policy, as provided by Section 3B of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

(c) The Domestic Policy Staff shall assist the President in the performance of the functions transferred by Section 5C of Reorganization Plan No. 1 of 1977 (42 FR 56101).

SEC. 3. (a) The transfer of all functions of the Economic Opportunity Council, as provided by Section 5G of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

(b) The abolition of the Economic Opportunity Council, as provided by Section 3D Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

SEC. 4. All provisions of Reorganization Plan No. 1 of 1977 (42 FR 56101) not made effective on or prior to the effective date of this Order are hereby effective.

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, assigned, or delegated as provided in this Order are hereby transferred as appropriate.

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. This Order shall be effective March 26, 1978.

Executive Order 12112—Seal for the Office of Administration

SOURCE: The provisions of Executive Order 12112 of Jan. 2, 1979, appear at 44 FR 1073, 3 CFR, 1979 Comp., p. 353, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, it is hereby ordered as follows:

1-101. There is established for the Office of Administration in the Executive Office of the President an official seal described as follows:

On a blue seal, the Arms of the United States proper above the inscription "OFFICE OF ADMINISTRATION," in gold raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES," in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office.

1-102. The seal shall be of the design which is attached hereto and made a part of this Order.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 12112, is printed in 3 CFR, 1979 Comp., p. 354.

Executive Order 12134—Printing services within the Executive Office

SOURCE: The provisions of Executive Order 12134 of May 9, 1979, appear at 44 FR 27637, 3 CFR, 1979 Comp., p. 385, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Ac-

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counting Procedures Act of 1950 (31 U.S.C. 581c), and Reorganization Plan No. 1 of 1977 (42 FR 56101; 5 U.S.C. App. II), and in order to provide for the transfer of the printing and duplicating service activity from the Office of Administration in the Executive Office of the President to the Department of the Navy, it is hereby ordered as follows:

1-101. (a) The primary responsibility for performing the common and usual administrative support and services that are related to printing and duplication and that are assigned to the Office of Administration in the Executive Office of the President by Section 3(b)(5) of Executive Order No. 12028, as amended, is transferred and reassigned to the Department of the Navy.

(b) The Department of the Navy shall be primarily responsible for providing to the Office of Administration, both onsite and offsite, that common and usual administrative support and service related to printing and duplication. It shall be provided in a manner consistent with available funds and other resources, or in accord with Section 7 of the Act of May 21, 1920 (41 Stat. 613), as amended (31 U.S.C. 686, referred to as the Economy Act).

1-102. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order, shall be transferred to the Department of the Navy.

1-103. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

1-104. Such transfers shall be effective on May 6, 1979.

Executive Order 12296—President's Economic Policy Advisory Board

SOURCE: The provisions of Executive Order 12296 of Mar. 2, 1981, appear at 46 FR 15129, 3 CFR, 1981 Comp., p. 141, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on the domestic and international economic policy of the United States, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the President's Economic Policy Advisory Board. The Board shall be composed of members appointed by the President.

(b) The President shall designate a Chairman from among the members of the Board. The Assistant to the President for Policy Development shall serve as the Secretary to the Board.

[Sec. 1 amended by EO 12309 of June 9, 1981, 46 FR 30997, 3 CFR, 1981 Comp., p. 154]

SEC. 2. *Functions.* (a) The Board shall advise the President with respect to the objectives and conduct of the overall domestic and international economic policy of the United States.

(b) The Board shall work with the Cabinet Council on Economic Affairs (composed of the Secretaries of the Treasury, State, Commerce, Labor, and Transportation, and the United States Trade Representative,

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and the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget).

(c) In the performance of its advisory duties the Board shall conduct a continuing review and assessment of economic policy, and shall report thereon to the President whenever requested.

SEC. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Board such information with respect to economic policy matters as it may require for the purpose of carrying out its functions. Information supplied to the Board shall, to the extent permitted by law, be kept confidential.

(b) Members of the Board shall serve without any compensation for their work on the Board. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) Any expenses of the Board shall be paid from funds available for the Expenses of the Domestic Policy Staff.

SEC. 4. *General.* (a) Notwithstanding any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, shall be performed by the President, except that, the Administrator of General Services shall, on a reimbursable basis, provide such administrative services as may be required.

(b) The Board shall terminate on December 31, 1982, unless sooner extended.

EDITORIAL NOTE: The President's Economic Policy Advisory Board was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Board, except that of reporting annually to Congress, shall be performed by the Director of the Office of Policy Development in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12667—Presidential records

SOURCE: The provisions of Executive Order 12667 of Jan. 16, 1989, appear at 54 FR 3403, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish policies and procedures governing the assertion of Executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration pursuant to the Presidential Records Act of 1978, it is hereby ordered as follows:

SECTION 1. *Definitions.* For purposes of this Order:

(a) "Archivist" refers to the Archivist of the United States or his designee.

(b) "NARA" refers to the National Archives and Records Administration.

(c) "Presidential Records Act" refers to the Presidential Records Act of 1978 (Pub. L. No. 95-591, 92 Stat. 2523-27, as amended by Pub. L. No. 98-497, 98 Stat. 2287), codified at 44 U.S.C. 2201-2207.

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(d) "NARA regulations" refers to the NARA regulations implementing the Presidential Records Act. 53 Fed. Reg. 50404 (1988), codified at 36 C.F.R. Part 1270.

(e) "Presidential records" refers to those documentary materials maintained by NARA pursuant to the Presidential Records Act and the NARA regulations.

(f) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.

(g) A "substantial question of Executive privilege" exists if NARA's disclosure of Presidential records might impair the national security (including the conduct of foreign relations), law enforcement, or the deliberative processes of the Executive branch.

(h) A "final court order" is a court order from which no appeal may be taken.

SEC. 2. *Notice of Intent to Disclose Presidential Records.*

(a) When the Archivist provides notice to the incumbent and former Presidents of his intent to disclose Presidential records pursuant to section 1270.46 of the NARA regulations, the Archivist, utilizing any guidelines provided by the incumbent and former Presidents, shall identify any specific materials, the disclosure of which he believes may raise a substantial question of Executive privilege. However, nothing in this Order is intended to affect the right of the incumbent or former Presidents to invoke Executive privilege with respect to materials not identified by the Archivist. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

(b) Upon the passage of 30 days after receipt by the incumbent and former Presidents of a notice of intent to disclose Presidential records, the Archivist may disclose the records covered by the notice, unless during that time period the Archivist has received a claim of Executive privilege by the incumbent or former President or the Archivist has been instructed by the incumbent President or his designee to extend the time period. If a shorter time period is required under the circumstances set forth in section 1270.44 of the NARA regulations, the Archivist shall so indicate in the notice.

SEC. 3. *Claim of Executive Privilege by Incumbent President.*

(a) Upon receipt of a notice of intent to disclose Presidential records, the Attorney General (directly or through the Assistant Attorney General for the Office of Legal Counsel) and the Counsel to the President shall review as they deem appropriate the records covered by the notice and consult with each other, the Archivist, and such other Federal agencies as they deem appropriate concerning whether invocation of Executive privilege is justified.

(b) The Attorney General and the Counsel to the President, in the exercise of their discretion and after appropriate review and consultation under subsection (a) of this section, may jointly determine that invocation of Executive privilege is not justified. The Archivist shall be promptly notified of any such determination.

(c) If after appropriate review and consultation under subsection (a) of this section, either the Attorney General or the Counsel to the Presi-

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dent believes that the circumstances justify invocation of Executive privilege, the issue shall be presented to the President by the Counsel to the President and the Attorney General.

(d) If the President decides to invoke Executive privilege, the Counsel to the President shall notify the former President, the Archivist, and the Attorney General in writing of the claim of privilege and the specific Presidential records to which it relates. After receiving such notice, the Archivist shall not disclose the privileged records unless directed to do so by an incumbent President or by a final court order.

SEC. 4. *Claim of Executive Privilege by Former President.*

(a) Upon receipt of a claim of Executive privilege by a former President, the Archivist shall consult with the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel), the Counsel to the President, and such other Federal agencies as he deems appropriate concerning the Archivist's determination as to whether to honor the former President's claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege. Any determination under section 3 of this Order that Executive privilege shall not be invoked by the incumbent President shall not prejudice the Archivist's determination with respect to the former President's claim of privilege.

(b) In making the determination referred to in subsection (a) of this section, the Archivist shall abide by any instructions given him by the incumbent President or his designee unless otherwise directed by a final court order. The Archivist shall notify the incumbent and former Presidents of his determination at least 30 days prior to disclosure of the Presidential records, unless a shorter time period is required in the circumstances set forth in section 1270.44 of the NARA regulations. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

SEC. 5. *Judicial Review.* This Order is intended only to improve the internal management of the Executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

CHAPTER 4—[RESERVED]

CHAPTER 5—FEDERAL CIVILIAN PERSONNEL

Executive Orders

- 8743 Extending the Classified Civil Service
- 9154 Authorizing certain exclusions from the operation of the Civil Service Retirement Act of May 29, 1930, as amended
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- 11103 Providing for the appointment of former Peace Corps volunteers to the civilian career services
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- 11315 Amending the Civil Service Rules to authorize an Executive Assignment System for positions in grades 16, 17, and 18 of the General Schedule
- 11348 Providing for the further training of Government employees
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- 11582 Observance of holidays by Government agencies
- 11589 Delegating to the Office of Personnel Management certain authorities of the President under the Intergovernmental Personnel Act of 1970 and the Federal Civil Defense Act of 1950
- 11639 Providing for pay adjustments for Federal prevailing rate systems
- 11721 Providing for Federal pay administration
- 11744 Cost-of-living allowance provided to employees of the Joint Federal-State Land Use Planning Commission for Alaska
- 11817 Designating the Office of Personnel Management as the agent to concur with agency determinations fixing the age limits within which original appointments may be made with respect to law enforcement officer and firefighter positions
- 11895 Delegating authority of the President to designate individuals appointed by the President to receive training
- 11899 Providing for the protection of certain civil service employment rights of Federal personnel who leave Federal employment to be employed by tribal organizations pursuant to the Indian Self-Determination and Education Assistance Act
- 11955 Permitting certain qualified employees of the National Aeronautics and Space Administration to be given career or career-conditional appointment
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- 12154 Levels IV and V of the Executive Schedule
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Executive Order 8743—Extending the Classified Civil Service

SOURCE: The provisions of Executive Order 8743 of Apr. 23, 1941, appear at 6 FR 2117, 3 CFR, 1938-1943 Comp., p. 927, unless otherwise noted.

By virtue of the authority vested in me by section 1 of the act of November 26, 1940, entitled "Extending the Classified Executive Civil Service of the United States" (54 Stat. 1211), by the Civil Service Act (22 Stat. 403), and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

SECTION 1. All offices and positions in the executive civil service of the United States except (1) those that are temporary, (2) those expressly excepted from the provisions of section 1 of the said act of November 26, 1940, (3) those excepted from the classified service under Schedules A and B of the Civil Service Rules, and (4) those which now have a classified status, are hereby covered into the classified civil service of the Government.

SEC. 2. Section 1 of this order shall become effective on January 1, 1942, except that as to positions affected thereby which are vacant at any time after June 30, 1941, and before January 1, 1942, it shall become effective when the vacancies first exist during such period, and appointments to such vacant positions shall be made in accordance with the Civil Service Rules as amended by section 3 of this order, unless prior express permission is given by the Office of Personnel Management for appointment without regard thereto.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. (a) Upon consideration of the report of the Committee on Civil Service Improvement (House Document No. 118, 77th Congress) appointed by Executive Order No. 8044 of January 31, 1939, it is hereby found and determined that the regulations and procedures hereinafter prescribed in this section with respect to attorney positions in the classified civil service are required by the conditions of good administration.

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(b) There is hereby created in the Office of Personnel Management (hereinafter referred to as the Office) a board to be known as the Board of Legal Examiners (hereinafter referred to as the Board). The Board shall consist of the Solicitor General of the United States and the Principal Legal Examiner of the Office of Personnel Management, as members *ex officio*, and nine members to be appointed by the President, five of whom shall be chosen from the chief law officers of the Executive departments, agencies, or corporate instrumentalities of the Government, two from the law-teaching profession, and two from attorneys engaged in private practice. The President shall designate the chairman of the Board. Five members shall constitute a quorum, and the Board may transact business notwithstanding vacancies thereon. Members of the Board shall receive no salary as such, but shall be entitled to necessary expenses incurred in the performance of their duties hereunder.

(c) It shall be the duty of the Board to promote the development of a merit system for the recruitment, selection, appointment, promotion, and transfer of attorneys in the classified civil service in accordance with the general procedures outlined in Plan A of the report of the Committee on Civil Service Improvement, appointed by Executive Order No. 8044 of January 31, 1939.

(d) The Board, in consultation with the Office of Personnel Management, shall determine the regulations and procedures under this section governing the recruitment and examination of applicants for attorney positions, and the selection, appointment, promotion, and transfer of attorneys, in the classified service.

(e) The Office shall in the manner determined by the Board establish a register or registers of eligibles from which attorney positions in the classified service shall be filled: *Provided*, That any register so established shall not be in effect for a period longer than one year from the date of its establishment. Upon request of the Board, the Office shall designate appropriate regions or localities and appoint regional or local boards of examiners composed of three persons approved by the Board, within or without the Federal service, to interview and examine such applicants as the Board may recommend.

(f) The number of names to be placed upon any register of eligibles for attorney positions shall be limited to the number recommended by the Board; and such registers shall not be ranked according to the ratings received by the eligibles, except that persons entitled to veterans' preference as defined in section 1 of Civil Service Rule VI shall be appropriately designated thereon.

(g) Any person whose name has been placed upon three registers of eligibles covering positions of the same grade, and who has not been appointed therefrom, shall not thereafter be eligible for placement upon any subsequently established register covering positions of such grade.

(h) The eligibles on any register for attorney positions shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census, and the Office shall certify to the appointing officer for each vacancy all the names on the appropriate register which meet the apportionment requirements: *Provided*, That whenever the Board shall be of the opinion that apportionment of eligibles on any register for attorney positions is not warranted by conditions of good administration, it shall so notify the Office, which shall thereafter certify all the persons

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on such register to the appropriate appointing officer. The appointing officer shall make selections for any vacancy or vacancies in attorney positions from the register so certified, with sole reference to merit and fitness.

(i) Any position affected by this section which is vacant after June 30, 1941, may be filled before available registers have been established pursuant to this section only by the appointment of a person who has passed a noncompetitive examination prescribed by the Office with the approval of the Board, and such person after the expiration of six months from the date of his appointment shall be eligible for a classified civil service status upon compliance with the provisions of section 6 of Civil Service Rule II, other than those provisions relating to examination.

(j) The incumbent of any attorney position covered into the classified service by section 1 of this order may acquire a classified civil-service status in accordance with the provisions of section 6 of Civil Service Rule II: *Provided*, That the noncompetitive examination required thereunder shall be prescribed by the Office with the approval of the Board.

(k) The Office with the approval of the Board shall appoint a competent person to act as Secretary to the Board; and the Office shall furnish such further clerical, stenographic, and other assistants as may be necessary to carry out the provisions of this section.

(l) The Civil Service Rules are hereby amended to the extent necessary to give effect to the provisions of this section.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. The noncompetitive examinations prescribed pursuant to sections 3 and 6 of this order and section 2 (a) of the said act of November 26, 1940, shall, among other things, require any person taking such examination to meet such reasonable standards of physical fitness and personal suitability as the Office of Personnel Management may prescribe.

[Sec. 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 5. Persons who on the effective date of section 1 of this order are on furlough or leave without pay from any position covered into the classified service by that section may be recalled to duty within one year of the date that they are furloughed or given leave without pay, and may be continued in such positions thereafter but shall not thereby acquire a classified civil-service status. If they are not recalled to duty within the time specified herein, they shall be separated from the service.

SEC. 6. Any person who in order to perform active service with the military or naval forces of the United States has left, or leaves, a position (other than a temporary position) which is covered into the classified civil service under section 1 of this order shall be reinstated in the department or agency to the position in which he last served or to a position of like seniority, status, and pay in the same department or agency, and upon reinstatement thereto may acquire a classified civil-service status: *Provided*, (1) that he has been honorably discharged from the military or naval service, (2) that he makes application for reinstatement within forty days of such discharge, (3) that the head of the department or agency concerned recommends within one year of his reinstatement that he be permitted to acquire a classified civil-service status

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and certifies that he has served with merit for at least six months, and (4) that he qualifies in such suitable noncompetitive examination as the Office may prescribe.

[Sec. 6 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 7. Executive Order No. 8044 of January 31, 1939, is hereby revoked so far as it applies to positions covered into the classified civil service by this order.

Executive Order 9154—Authorizing certain exclusions from the operation of the Civil Service Retirement Act of May 29, 1930, as amended

SOURCE: The provisions of Executive Order 9154 of May 1, 1942, appear at 7 FR 3275, 3 CFR, 1938-1943 Comp., p. 1152, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by section 3 (b) of the Civil Service Retirement Act of May 29, 1930 (46 Stat. 468), as amended by the act of January 24, 1942 (Public Law 411, 77th Congress), it is hereby ordered as follows:

1. Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hours, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of \$12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth class post offices, substitute rural carriers, and special delivery messengers at second, third, and fourth class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946 (Public Law 724, 79th Congress), or under authority of section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943).

(l) Employees serving under emergency-indefinite appointments not exceeding 5 years.

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[Sec. 1 amended by EO 9824 of Jan. 28, 1947, 12 FR 659, 3 CFR, 1943-1948 Comp., p. 603; EO 9945 of Apr. 9, 1948, 13 FR 1975, 3 CFR, 1943-1948 Comp., p. 697; EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

2. The Office of Personnel Management is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

3. This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

Executive Order 9628—Authorizing the appointment to positions of Contact Representative, Veterans Administration, without regard to the requirements of the Civil Service Rules

SOURCE: The provisions of Executive Order 9628 of Sept. 25, 1945, appear at 10 FR 12157, 3 CFR, 1943-1948 Comp., p. 433, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth, subdivision Second, section 2 of the Civil Service Act (22 Stat. 403, 404) it is hereby ordered that upon recommendation to the Office of Personnel Management of the Administrator of Veterans Affairs, any person entitled to veteran's preference who has been awarded the Congressional Medal of Honor may be appointed to the classified position of Contact Representative in the Veterans Administration without compliance with the requirements of the Civil Service Rules.

[EO 9628 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 9738—Restricting competition in examination for the position of Correctional Officer under the Bureau of Prisons, Department of Justice

SOURCE: The provisions of Executive Order 9738 of June 19, 1946, appear at 11 FR 6901, 3 CFR, 1943-1948 Comp., p. 545, unless otherwise noted.

By virtue of the authority vested in me by the statutes, including section 2 of the Civil Service Act (22 Stat. 403), the Veterans' Preference Act of 1944, approved June 27, 1944 (58 Stat. 387), and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), it is hereby ordered as follows:

In civil-service examinations for the position of Correctional Officer under the Bureau of Prisons, Department of Justice, competition shall be restricted during the present war and for five years following the termination thereof to persons entitled to preference under the said Veterans' Preference Act of 1944, as long as persons entitled to preference are available: *Provided, however,* That for purposes of classification application for examination may be accepted by the Office of Personnel Management from any person serving in such position in the classified service under an appointment not limited to one year or less, and the Office is authorized to confer a classified (competitive) civil-service

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status or a probational status upon any such employee who qualifies in the examination for classification: *And provided further*, That in no event shall any person not entitled to preference under the Veterans' Preference Act of 1944 be granted a classified status under this order (1) unless he is recommended for this purpose by the Director of the Bureau of Prisons for outstandingly courageous or meritorious service and (2) until all preference eligibles who have the same or a higher rating in the examination have been appointed or have been given consideration in accordance with the Veterans' Preference Act of 1944.

Incumbents of positions to which this order is applicable who do not have a classified status and who fail to qualify for classification under this order shall be replaced by selection from the competitive register in accordance with regulations prescribed by the Office of Personnel Management.

This order supersedes Executive Order No. 9662 of November 29, 1945.

[EO 9738 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 9807—Authorizing the Office of Personnel Management to confer a competitive civil service status upon certain groups of employees

SOURCE: The provisions of Executive Order 9807 of Nov. 29, 1946, appear at 11 FR 13943, 3 CFR, 1943-1948 Comp., p. 589, unless otherwise noted.

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403, 404), and in the interest of the internal management of the Government, the Office of Personnel Management is hereby authorized to confer a competitive civil service status upon any employee or former employee of the Federal Government who on July 1, 1941, occupied a position in one of the groups of positions designated below and who was continuously in the Government service from that date through January 1, 1942, subject to the requirements and conditions which would be applicable had such positions been included in the competitive civil service pursuant to Executive Order No. 8743 of April 23, 1941, as amended:

[Title and preamble amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

1. Positions the salaries of which were paid from funds appropriated for the work of the Civilian Conservation Corps.
2. Positions the salaries of which were paid from funds appropriated for the work of the Public Works Administration.
3. Positions the salaries of which were paid from funds appropriated by the Emergency Relief Appropriation Acts for the administrative work of any department or agency other than the Work Projects Administration.
4. Positions under the Northeast Timber Salvage Administration.

EDITORIAL NOTE: The Civilian Conservation Corps was made a part of the Federal Security Agency by Reorganization Plan No. 1 of 1939, 4 FR 2727, 3 CFR, 1938-1943 Comp., p. 1288, effective July 1, 1939. Liquidation was provided for by act of July 2, 1942 (56 Stat. 569, 16 U.S.C. 584-584q nt.), not later than June 30, 1943. The Federal Security Agency was abolished by Reorganization Plan No. 1 of 1953, 18 FR 2053, 3

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CFR, 1949–1953 Comp., p. 1022, effective April 11, 1953, and its functions and units were transferred to the Department of Health, Education, and Welfare, which was later renamed the Department of Health and Human Services by Pub. L. 96–88 (93 Stat. 695, 20 U.S.C. 3508).

The functions of the Public Works Administration were transferred to the Office of the Federal Works Administrator by Executive Order 9357 of June 30, 1943, 8 FR 30, 3 CFR, 1943–1948 Comp., p. 256. The Federal Works Agency, which was the parent agency of the Work Projects Administration, was later abolished by act of June 30, 1949 (63 Stat. 380, 40 U.S.C. 753), and its functions were transferred to the General Services Administration.

Executive Order 9830—Amending the Civil Service Rules and providing for Federal personnel administration

SOURCE: The provisions of Executive Order 9830 of Feb. 24, 1947, appear at 12 FR 1259, 3 CFR, 1943–1948 Comp., p. 606, unless otherwise noted.

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows, effective May 1, 1947:

PART I—ORGANIZATION FOR PERSONNEL ADMINISTRATION

Organization for personnel administration in the executive branch of the Federal Government is hereby prescribed as follows:

§ 01.1 *Responsibility for personnel management.* Personnel management is a primary responsibility of all who plan, direct, or supervise the work of Federal employees. Personnel management methods should be consistent for the Government as a single employer and yet be sufficiently flexible to meet the diversified conditions in the Federal service.

§ 01.2 *Office of Personnel Management responsibilities under this order.*

(a) The Office shall be responsible to the President for the proper application of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes and Executive orders imposing responsibilities on the Office.

(b) The Office shall exercise and provide leadership in personnel matters throughout the Federal service, and in the discharge of this responsibility shall, whenever practicable, consult Federal agencies.

(c) The Office shall develop and promulgate standards, applicable to the competitive service and designed to protect and promote its efficiency, for the reinstatement or reemployment of former Federal employees, and for the promotion, demotion, reassignment, and transfer of present employees. The Office shall also determine the applicability, in general and in specific cases, of the reemployment provisions of (1) section 8 of the Selective Training and Service Act of 1940 (54 Stat. 980) as amended (50 U.S.C. App. 308), to persons who left the Federal service to serve in the armed forces of the United States, and (2) section 2 of the act of June 23, 1943, 57 Stat. 162, as amended (50 U.S.C. App. 472), to persons who left the Federal service to serve in the merchant marine; and the Office may issue such regulations or instructions as it may deem necessary or appropriate for carrying out the said reemployment provisions.

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(d) The Office shall prescribe procedures to be followed by agencies in connection with removals, demotions, and suspensions in the competitive service which will insure equitable and uniform treatment to employees against whom adverse action is proposed.

(e) The Office shall, when consistent with law and with the economical and efficient administration of the Government, delegate to the agencies its authority to act in personnel matters in accordance with standards issued by the Office.

(f) The Office shall maintain an adequate system of inspection to determine that equitable and sound application of statutes, Executive orders, regulations and standards relating to personnel management is being carried out by the agencies. Whenever the inspection indicates failure on the part of an agency to adhere to established policies, regulations and standards, the Office shall take such action as may be appropriate to bring about adherence thereto. In this connection, the Office may suspend or revoke any delegation of its authority.

(g) The Office shall in the exercise of its personnel functions give all practicable assistance to international organizations in which the United States participates, to the Puerto Rico civil service board, and to such Federal, Territorial, State, or local agencies as shall request its cooperation and offer like cooperation, including, when appropriate, the sharing of any necessary expenses. Under such regulations as may be jointly agreed upon, the Office shall conduct or join with such agencies in conducting examinations or other personnel functions. In its discretion, the Office may certify eligibles from appropriate registers maintained by the Puerto Rico civil service board, Federal or Territorial boards, or civil service boards of State and local agencies, if such boards agree, and the Office finds that the requirements of law concerning appointments to the competitive service have been met. If such boards so desire, they may, upon agreement with the Office, certify eligibles from appropriate registers maintained by the Office.

[Sec. 01.2 amended by EO 9961 of May 19, 1948, 13 FR 2735, 3 CFR, 1943-1948 Comp., p. 706; 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

§ 01.3 *Agency responsibilities for personnel management.* (a) The head of each agency, in accordance with applicable statutes, Executive orders, and rules, shall be responsible for personnel management in his agency. To assist and advise him in carrying out this responsibility he shall maintain or establish such office or division of personnel as may be required. He shall designate a director of personnel or other similarly responsible official to be in charge of such office or division. Such director or other official shall represent the head of the agency in personnel matters, subject to his instructions.

(b) The head of each agency shall provide for the cooperation of his agency with the Office of Personnel Management in the conduct of personnel matters.

(c) Authority for the conduct of personnel matters within each agency should be delegated to the extent compatible with provisions of law and with economical and efficient administration to those officials responsible for planning, directing, and supervising the work of others. The exercise of such delegated authority shall be subject to policies, rules, regulations and standards established by the head of the agency, and shall be subject to appropriate review and inspection.

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(d) The head of each agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service.

[Sec. 01.3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

§ 01.4 *Committees of expert examiners and boards of examiners.* (a) In order to promote the effective recruitment and placement of persons for the Federal service, the departmental and field service resources of the Federal agencies may be utilized to the extent permitted by law. After consulting the agency or agencies concerned, the Office may establish in the departmental service committees of examiners, expert in their respective fields, for scientific, professional, or technical positions, and in the field service, boards of examiners for any position. If such a position is peculiar to any agency, the committee or board shall be composed of not less than three qualified officers or employees of the agency concerned. If such a position exists in more than one agency, the committee or board shall be composed of not less than three qualified officers or employees of the agencies concerned.

(b) The work of the committees or boards referred to in this section shall be under the direction and supervision of the Office in connection with the execution of the Civil Service Act, Rules, and Regulations.

(c) The duties performed by the members of such committees or boards shall be considered part of their official duties and adequate time shall be allowed for their performance by the agency in which they are employed.

(d) Where qualified examiners are not readily available in the Federal service, and to the extent permitted by law, the Office or the agency concerned may designate and compensate individuals outside the service especially qualified by experience and training to serve as examiners.

[Sec. 01.4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

§ 01.5 *Federal Personnel Council.* (a) The Council of Personnel Administration shall hereafter be known as the Federal Personnel Council and shall be continued within the Office of Personnel Management.

(b) The membership of the Council shall consist of a chairman, the director of personnel or official responsible for personnel matters in each agency subject to the Civil Service Rules, one additional member designated by the Director of the Office of Management and Budget, and such additional member or members as the Office shall designate.

(c) The Chairman of the Council shall be appointed by the Office of Personnel Management after consultation with the Council and shall serve as a member of the staff of the Office.

(d) The purpose of the Council, functioning as an advisory body, shall be to promote through study and discussion the application, interpretation, and development of personnel policies and practices. Its findings and recommendations shall be submitted to the Office and may be submitted to the President or to other Federal agencies.

(e) Where there are substantial concentrations of Federal agencies in a geographical area, subsidiary councils may be established and maintained as recommended by the Council and approved by the Office. The membership of such councils shall consist of the heads of field es-

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establishments in such areas or their designated representatives and of the designated representatives of the Office.

[Sec. 01.5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

PART II—CIVIL SERVICE RULES

The Civil Service Rules are hereby amended to read as follows: [Deleted]

EDITORIAL NOTE: The Civil Service Rules are codified at 5 CFR Parts 1-9. Schedules A and B, as provided for in Rule 6 in Executive Order 9830, are printed at 5 CFR Part 213.

PART III

The following Executive orders are hereby revoked:

No. 279 of November 29, 1904.

No. 283 of December 8, 1904.

No. 294 of February 15, 1905.

No. 314 of March 30, 1905.

No. 458 of June 13, 1906.

No. 715 of November 22, 1907.

No. 983 of November 30, 1908.

No. 1065 of April 21, 1909.

No. 1153 of January 12, 1910.

No. 2357 of April 11, 1916.

No. 3108 of June 30, 1919.

Unnumbered order¹ of June 2, 1920, concerning reinstatement of persons nearing retirement age.

No. 4523 of October 18, 1926.

No. 5924 of September 20, 1932.

Unnumbered order of February 19, 1934, concerning negotiations for transfer.

No. 7915 of June 24, 1938.

No. 7916 of June 24, 1938.

No. 7975-A of September 16, 1938.

No. 8083 of April 10, 1939.

No. 8179 of June 21, 1939.

No. 8214 of July 25, 1939.

No. 8257 of September 21, 1939.

No. 8283 of November 9, 1939.

No. 8300 of December 12, 1939.

No. 8423 of May 28, 1940.

No. 8425 of May 29, 1940.

No. 8467 of July 1, 1940.

No. 8564 of October 8, 1940.

No. 8587 of November 7, 1940.

No. 8705 of March 5, 1941.

No. 8707 of March 10, 1941.

No. 8760 of May 27, 1941.

¹ EDITORIAL NOTE: The Executive order was subsequently numbered 3287A.

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No. 8894 of September 8, 1941.
No. 8937 of November 7, 1941.
No. 9004 of December 30, 1941.
No. 9027 of January 16, 1942.
No. 9052 of February 6, 1942.
No. 9200 of July 16, 1942.
No. 9239 of September 8, 1942.
No. 9298 of February 2, 1943.
No. 9333 of April 19, 1943.
No. 9394 of November 4, 1943.
No. 9405 of December 17, 1943.
No. 9503 of November 27, 1944.
No. 9538 of April 13, 1945.
No. 9579 of June 30, 1945.
No. 9598 of August 17, 1945.
No. 9619 of September 19, 1945.
No. 9644 of October 19, 1945.
No. 9653 of November 1, 1945.
No. 9668 of December 28, 1945.
No. 9688 of January 31, 1946.
No. 9691 of February 4, 1946.
No. 9733 of June 4, 1946.

Executive Order 10000—Regulations governing additional compensation and credit granted certain employees of the Federal Government serving outside the United States

SOURCE: The provisions of Executive Order 10000 of Sept. 16, 1948, appear at 13 FR 5453, 6075, 3 CFR, 1943-1948 Comp., p. 792, unless otherwise noted.

By virtue of the authority vested in me by section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948 (Public Law 491, 80th Congress), as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949, approved June 30, 1948 (Public Law 862, 80th Congress), and by sections 303, 443, and 853 of the Foreign Service Act of 1946 (60 Stat. 1002, 1006, 1024), and as President of the United States, I hereby prescribe the following regulations (1) governing the payment of additional compensation to personnel of the United States employed outside the continental United States or in Alaska, under the provisions of the said section 207, as amended, (2) governing the payment of salary differentials to Foreign Service staff officers and employees serving at certain posts, pursuant to the said section 443, and (3) relating to unhealthful foreign posts, pursuant to the said section 853:

PART I—ADDITIONAL COMPENSATION IN FOREIGN AREAS

[Part I revoked by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433]

PART II—ADDITIONAL COMPENSATION IN NON-FOREIGN AREAS

SEC. 201. *Definition.* As used in this Part, (a) the term "non-foreign areas" includes Alaska, Hawaii, the territories and possessions of the

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United States, the Trust Territory of the Pacific Islands, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of the provisions of this Part, and (b) the words "section 207 of the Act" have the meaning set forth in section 101 hereof.

[Part title and sec. 201 amended by EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 202. *Additional compensation by reason of environment.* The Office of Personnel Management shall from time to time, subject to applicable law, (a) designate places in non-foreign areas having conditions of environment which differ substantially from conditions of environment in the United States and warrant additional compensation as a recruitment incentive, (b) fix for each such place the additional rate or rates of compensation to be paid by reason of such environment pursuant to section 207 of the Act, after giving due consideration to the degree of environmental difference, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "non-foreign area post differential."

[Sec. 202 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 203. *Basis for non-foreign area post differential.* The Office of Personnel Management may establish a non-foreign area post differential for any place in the territories when, and only when, the place involves any one or more of the following: (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.

[Sec. 203 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 204. *Persons eligible to receive non-foreign area post differential.* (a) In order that an employee be eligible to receive a non-foreign area post differential under this Part, (1) he shall be a citizen or national of the United States, (2) his residence in the place to which the non-foreign area post differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence at such place over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(b) Subject to the provisions of section 204(a) hereof, the classes of persons eligible to receive the non-foreign area post differentials fixed pursuant to section 202 hereof shall include:

- (1) Persons recruited or transferred from outside the area concerned.
- (2) Persons employed in the area concerned but (a) who were originally recruited from outside such area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U.S. Government participates, and whose conditions of employment provide for their return transportation to places outside the area concerned, or (b) who were at the time of employment temporarily present in the area concerned for purposes of travel or formal study and maintained residence outside such area during the period so present.

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(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States in such area to accept employment therein with an agency of the Federal Government.

[Sec. 204 amended by EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 205. *Additional living cost compensation.* (a) The Office of Personnel Management shall from time to time, subject to applicable law, (1) designate places in non-foreign areas eligible to receive additional compensation by virtue of living costs that are substantially higher than in the Washington, D.C., area, (2) fix for each place so designated an additional rate or rates of compensation by reason of such higher living costs, and (3) prescribe by regulation such additional policies or procedures as may be necessary to administer such compensation. Additional compensation under this section is referred to as a 'non-foreign area cost-of-living allowance'.

(b) In fixing the non-foreign area cost-of-living allowances, the Office of Personnel Management shall make appropriate deductions when quarters or subsistence, or commissary or other purchasing privileges are furnished as a result of Federal civilian employment at a cost substantially lower than the prevailing costs in the allowance area concerned.

[Sec. 205 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 206. *Coordination.* The Office of Personnel Management shall define the extent to which and the conditions under which an employee serving within the non-foreign areas may receive both a non-foreign area post differential and a non-foreign area cost-of-living allowance, pursuant to section 207 of the Act. In carrying out its functions under this Part the Office may take due notice of any special allowances, other than under section 207 of the Act, granted to personnel employed by the United States in non-foreign areas.

[Sec. 206 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 207. *Agencies covered.* Subject to the provisions of section 207 of the Act and of this Part, every Executive department, independent establishment, and wholly owned Government corporation shall pay (a) non-foreign area post differential fixed under section 202 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that differential has been fixed, and (b) a non-foreign area cost-of-living allowance fixed under section 205 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that allowance has been fixed.

[Sec. 207 amended by EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 208. *Payment of non-foreign area post differentials and cost-of-living allowances.* (a) The following regulations shall govern the payment of non-foreign area post differentials and non-foreign area cost-of-living allowances under this Part:

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(1) Payments shall begin as of the date of arrival at the post on assignment or transfer and shall end as of the date of departure from the post for separation or transfer, except that in case of local recruitment such payments shall begin and end as of the beginning and end of employment, respectively.

(2) Payments for periods of leave and of detail shall begin and end as determined in regulations prescribed under section 202(c) hereof.

(3) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which such persons receive basic compensation.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation.

(b) Non-foreign area post differentials paid shall not be included in the base used in computing overtime pay, night differential, holiday pay, and retirement deduction.

[Sec. 208 amended by EO 10636 of Sept. 16, 1955, 3 CFR, 1954-1958 Comp., p. 268; EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 209. *Persons serving under contract.* Any other provision of this Part notwithstanding, any person who would otherwise be eligible to receive a non-foreign area post differential or a non-foreign area cost-of-living allowance under this Part shall, if he is serving under a contract, be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive said differential and allowance.

[Sec. 209 amended by EO 12510 of Apr. 17, 1985, 50 FR 15535, 3 CFR, 1985 Comp., p. 338]

SEC. 210. *Periodic review.* The Office of Personnel Management shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to this Part, with a view to making such changes therein as will insure that payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified: *Provided*, That if program or methodology revisions would substantially reduce an established differential or allowance rate, then the rate of such additional compensation may be reduced gradually.

[Sec. 210 amended by EO 11938 of Sept. 29, 1976, 41 FR 43383, 3 CFR, 1976 Comp., p. 148; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART III—INTERIM ARRANGEMENTS

[Part III revoked by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433]

PART IV—FOREIGN SERVICE SALARY DIFFERENTIALS

[Part IV revoked by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433]

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PART V—UNHEALTHFUL POSTS

[Part V revoked by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433]

PART VI—GENERAL PROVISIONS

SEC. 601. *Publication.* This order, and the places designated, the rates fixed, and the regulations prescribed by the Secretary of State and the Office of Personnel Management pursuant to Parts I and II of this order, shall be published in the FEDERAL REGISTER.

[Sec. 601 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 10450—Security requirements for Government employment

SOURCE: The provisions of Executive Order 10450 of Apr. 27, 1953, appear at 18 FR 2489, 3 CFR, 1949-1953 Comp., p. 936, unless otherwise noted.

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.¹

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

¹ EDITORIAL NOTE: In *Cole v. Young* 76 S.Ct. 861 (1955), section 1 of EO 10450 was held to be invalid if applied to every department and agency.

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SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Office of Personnel Management may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his

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representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Office of Personnel Management that such person is eligible for such employment.

[Sec. 7 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

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(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereof or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Office of Personnel Management, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Office. The Office shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Office of Personnel Management, and other departments and agencies may use such facilities under agreement with the Office.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests

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of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

[Sec. 8 amended by EO 10491 of Oct. 13, 1953, 18 FR 6585, 3 CFR, 1949-1953 Comp., p. 973; EO 10531 of May 27, 1954, 19 FR 3069, 3 CFR, 1954-1958 Comp., p. 193; EO 10548 of Aug. 2, 1954, 19 FR 4871, 3 CFR, 1954-1958 Comp., p. 200; EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 9. (a) There shall be established and maintained in the Office of Personnel Management a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Office under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Office of Personnel Management information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

[Sec. 9 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards

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and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Office of Personnel Management on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Office of Personnel Management on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

[Sec. 11 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked.

[Sec. 12 amended by EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874]

SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

SEC. 14. (a) The Office of Personnel Management, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Office of Personnel Management shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Office of Personnel Management to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Office of Personnel Management in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this

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order, advise the Office as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Office of Personnel Management is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

[Sec. 14 amended by EO 10550 of Aug. 5, 1954, 19 FR 4981, 3 CFR, 1954-1958 Comp., p. 200; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 15. This order shall become effective thirty days after the date hereof.

Executive Order 10471—Authorizing the heads of departments and agencies to grant leaves of absence to certain persons

SOURCE: The provisions of Executive Order 10471 of July 17, 1953, appear at 18 FR 4231, 3 CFR, 1949-1953 Comp., p. 952, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. The heads of the several departments and agencies of the Government are hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise, with respect to personnel in their respective department or agency, the authority conferred upon the President by section 6305(b) of title 5 of the United States Code, to authorize leaves of absence in accordance with the said section 6305(b) to persons who receive compensation in accordance with section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961).

[Sec. 1 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

2. This order shall be effective as of July 5, 1953.

Executive Order 10552—Delegating to the Office of Personnel Management the authority of the President to promulgate regulations under which certain Government employees may be prevented or relieved from working by administrative order

SOURCE: The provisions of Executive Order 10552 of Aug. 10, 1954, appear at 19 FR 5079, 3 CFR, 1954-1958 Comp., p. 201, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, 65 Stat. 713, it is declared that the Office of Personnel Management be, and it is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the joint resolution of June 29, 1938, 52 Stat. 1246, as amended by the act of June 11, 1954, 68 Stat. 249 (5 U.S.C. 86a), to promulgate regulations under which certain employees of the Government may be prevented or relieved from working by administrative order.

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[EO 10552 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 10556—Authorizing regulations for the permanent promotion and reassignment of Federal employees

SOURCE: The provisions of Executive Order 10556 of Sept. 1, 1954, appear at 19 FR 5637, 3 CFR, 1954-1958 Comp., p. 203, unless otherwise noted.

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and by section 1753 of the revised Statutes (5 U.S.C. 631), and in effectuation of the purposes of section 1310 of the Supplemental Appropriation Act, 1952 (65 Stat. 757), as amended, it is ordered as follows:

Notwithstanding the provisions of section 1(b) of Executive Order No. 10180 of November 13, 1950, and to the extent consistent with law, the Office of Personnel Management, with respect to positions in the competitive service, and the heads of executive departments and agencies, with respect to positions excepted from the competitive service, are hereby authorized to issue regulations or instructions governing the permanency of promotions and reassignments of permanent employees.

[EO 10556 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 10577—Amending the Civil Service Rules and authorizing a new appointment system for the competitive service

SOURCE: The provisions of Executive Order 10577 of Nov. 23, 1954, appear at 19 FR 7521, 9315, 3 CFR, 1954-1958 Comp., p. 218, unless otherwise noted.

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—CIVIL SERVICE RULES

SECTION 101. The Civil Service Rules are hereby amended to read as follows: [Deleted]

EDITORIAL NOTE: The Civil Service Rules are codified at 5 CFR Parts 1-9.

PART II—SPECIAL PROVISIONS FOR TRANSITION FROM INDEFINITE APPOINTMENT SYSTEM TO CAREER-CONDITIONAL APPOINTMENT SYSTEM

SEC. 201. (a) Under such conditions as the Office of Personnel Management may prescribe, all employees serving under indefinite appointments in the competitive service on the effective date of this order who were appointed by selection in regular order from appropriate competitive civil-service registers established subsequent to February 4, 1946, shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they

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have had three or more years of such service since they were appointed: *Provided*, That, any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section: *Provided further*, That employees serving in excepted positions who would meet the conditions for career-conditional or career appointments if they were serving in competitive positions shall be granted competitive status upon completion of a probationary period.

(b) The Office may prescribe the conditions under which employees who are serving under indefinite appointments in the competitive service on the effective date of this order and who were not appointed by selection in regular order from competitive civil-service registers may be examined and have their names entered on existing competitive civil-service registers. When such employees are within reach for appointment from such registers they shall be eligible for career-conditional appointments if, since they were given indefinite appointments, they have had less than three years of creditable service, and for career appointments if they have had three or more years of such service.

(c) All employees in the competitive service who on the effective date of this order are serving under indefinite appointments made non-competitively based upon prior service with a competitive status shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they have had three or more years of such service under either permanent or indefinite appointment: *Provided*, That any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section: *Provided further*, That any such employees in the field service of the Post Office Department whose salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, shall have their appointments converted to career appointments if they are serving in positions in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes).

(d) The Office shall define "creditable service" and shall prescribe the conditions for completion of the period of creditable service required for career appointment.

(e) Except as provided in section 201 (c) hereof, this section shall not apply to employees serving under indefinite appointments in the field service of the Post Office Department whose salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore, or hereafter amended and supplemented.

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[Sec. 201 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 202. (a) Notwithstanding the provisions of section 201(a) of this order, and subject to such noncompetitive examination or other requirements as the Office may prescribe, any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may, upon recommendation of the agency concerned, noncompetitively acquire a competitive status subject to completion of a probationary period: *Provided*, That he is serving under an indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year: *Provided further*, That recommendation for acquisition of status under this section is made not later than December 31, 1957.

(b) Any employee who is recommended for noncompetitive acquisition of competitive status under section 202(a) hereof and who satisfies the noncompetitive examination and other requirements of the Office shall have the appointment under which he is serving converted to a career appointment if he has completed a probationary period or to a career-conditional appointment if he has not completed a probationary period. The career-conditional appointment of such an employee shall be converted to a career appointment upon completion of probation.

(c) An employee in the field service of the Post Office Department whose salary rate is fixed by the act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, may not be recommended for competitive status under section 202(a) hereof unless he can be appointed to a vacancy in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes). When such an employee is recommended for noncompetitive acquisition of competitive status and satisfies the noncompetitive examination and other requirements of the Office, his appointment shall be converted to a career appointment subject to satisfactory completion of a probationary period.

[Sec. 202 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 203. The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more and who is selected in regular order from a competitive civil-service register may, notwithstanding the provisions of section 2.2(a) of Civil Service Rule II, be converted to a career appointment: *Provided*, That not later than December 31, 1957, the agency in which he is employed so recommends and certifies to the Office that he has satisfactorily completed a one-year probationary period: *Provided further*, That any such employee who is not certified for career appointment under this section shall have his career-conditional appointment converted to a career appointment when he has completed the service requirements for such appointment prescribed under section 2.2(a) of Civil Service Rule II.

[Sec. 203 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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SEC. 204. In order to effectuate the purposes of section 1310 of the Supplemental Appropriations Act, 1952 (65 Stat. 757), as amended, the Office shall, after consultation with the agencies concerned, determine the division of allowable permanent appointments within and between the excepted service and the competitive service.

[Sec. 204 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 205. The Office shall issue such regulations and instructions as may be necessary to effectuate the purposes of this part.

[Sec. 205 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART III

SEC. 301. The following-described executive orders and parts of executive orders are hereby revoked:

Part II of Executive Order No. 9830 of February 24, 1947, amending the Civil Service Rules: *Provided*, That the positions listed in Schedules A, B, and C as provided for in Civil Service Rule VI of that order, as amended, shall be considered as being listed in Schedules A, B, and C, respectively, as provided for in Civil Service Rule VI of this order, unless and until they are removed therefrom by the Office.

Executive Orders No. 9973 of June 28, 1948, No. 10440 of March 31, 1953, and No. 10463 of June 25, 1953, amending Civil Service Rule VI.

Executive Order No. 10180 of November 13, 1950, establishing special personnel procedures in the interest of national defense.

[Sec. 301 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART IV

SEC. 401. This order shall become effective on the first Sunday after the sixtieth day after the date hereof.

Executive Order 10614—Regulations governing the payment of general-average contributions in connection with the transportation of certain baggage and household goods and effects of military and civilian personnel of the United States

SOURCE: The provisions of Executive Order 10614 of May 25, 1955, appear at 20 FR 3699, 3 CFR, 1954-1958 Comp., p. 254, unless otherwise noted.

By virtue of the authority vested in me by section 4 of the act of June 4, 1954, 68 Stat. 176, I hereby prescribe the following regulations governing the payment of general-average contributions in connection with the transportation of certain baggage and household goods and effects of military and civilian personnel of the United States:

SECTION 1. *Definitions.* As used in these regulations:

(a) The term "military personnel" means members and former and deceased members of the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804).

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(b) The term "civilian employees" means civilian officers and employees of a department, including Foreign Service personnel, and former and deceased civilian officers and employees.

(c) The terms "military personnel" and "civilian employees" shall also include those individuals enumerated under the term "person" as defined in section 1 of the Missing Persons Act, as amended (50 U.S.C. App. 1001).

(d) The term "department" means an executive department, independent establishment, or other agency of the Federal Government, including wholly-owned or controlled Government corporations.

(e) The term "general-average contribution" means the contribution by all parties to a sea venture (1) to make good the loss sustained by any one of their number on account of voluntary sacrifices made of part of the ship or cargo to save the residue or the lives of those on board from impending peril, or (2) for extraordinary expenses necessarily incurred for the common benefit and safety of all.

(f) The term "household goods" means such baggage, household goods, and effects, including privately-owned automobiles and professional books, papers, and equipment, of military personnel and civilian employees as are authorized to be transported at Government expense by law or regulation pursuant to law.

SEC. 2. *Allowance of general-average contributions.* Whenever military personnel or civilian employees of a department are liable for general-average contributions arising out of shipments of household goods (as defined in section 1 (f) hereof), authorized or approved under law or regulations pursuant to law, disbursements shall be made, under rules and regulations prescribed by the head of the department concerned, from appropriations chargeable for the transportation of baggage and household goods and effects (a) for the payment of the general-average contributions for which such military personnel or civilian employees are liable, or (b) for the reimbursement of such military personnel or civilian employees in the amounts of their general-average liability paid by them and for which receipts are furnished, subject to the limitations set forth in section 3 hereof.

SEC. 3. *Limitations.* The provisions of section 2 hereof shall not apply:

(a) In case the shipment of household goods is made under law or regulation pursuant to law which provides for reimbursement to the military person or civilian employee concerned on a commuted basis in lieu of payment by the Government of the actual costs of the shipment; or

(b) In case the military person or civilian employee concerned has himself selected the means of shipment; or

(c) To quantities of household goods (excluding automobiles) shipped in excess of quantities authorized to be transported by law or regulation pursuant to law. In any case of such excess shipment, the liability of the Government for the employee's general-average contribution shall not exceed the proportion that the applicable limitation, by weight or volume, bears to the total quantity, by weight or volume, of the household goods shipped.

SEC. 4. *Effective date.* This order shall be effective in any case in which the loss involved occurs, or has occurred, on or after June 4, 1954.

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Executive Order 10624—Regulations relating to personnel of the Department of Agriculture assigned to service abroad

SOURCE: The provisions of Executive Order 10624 of July 28, 1955, appear at 20 FR 5445, 3 CFR, 1954-1958 Comp., p. 262, unless otherwise noted.

By virtue of the authority vested in me by sections 605, 606B, and 606D of Title VI of the Act of August 28, 1954, as amended, (7 U.S.C. 1765, 1766a and 1766c), and by section 301 of title 3 of the United States Code, and as President of the United States, I hereby prescribe the following regulations relating to personnel of the Department of Agriculture assigned to service abroad:

SECTION 1. (a) The provisions of section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall be applicable to the official activities of persons assigned abroad under authority of Title VI of the said act of August 28, 1954.

(b) The Secretary of Agriculture shall institute and maintain such measures consistent with the said Part II as may be necessary to insure that the official activities of persons assigned abroad under the said Title VI are carried on consonant with United States foreign-policy objectives as defined by the Secretary of State and are effectively coordinated with the activities of representatives of other United States agencies, under the leadership of the Chief of the United States Diplomatic Mission.

(c) Consistent with subsections (a) and (b) of this section, the Secretary of Agriculture shall issue instructions on agricultural matters to persons assigned abroad under authority of the said Title VI.

[Preamble and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. In addition to rules and regulations pertaining to allowances and benefits otherwise applicable to personnel assigned abroad by the Secretary of Agriculture under Title VI of the Act of August 28, 1954, or other authority, there shall be applicable to such personnel the rules and regulations prescribed by the Secretary of State in pursuance of (1) so much of the authority vested in the President by subchapter III of chapter 59 of title 5 of the United States Code, or by any amendment thereof, as relates to quarters allowances or cost-of-living allowances, and (2) so much of the authority vested in the Secretary of State by chapter 9 of Title I of the Foreign Service Act of 1980, as relates to allowances and benefits under the said chapter 9 of title I; *Provided*, (1) that the Secretary of State, upon request of the Secretary of Agriculture, may prescribe, within existing authority of law and when deemed necessary, special rules and regulations for such personnel; and (2) that the Secretary of Agriculture may, within the limitation of such rules and regulations, prescribe necessary implementing directions. The Secretary of Agriculture may designate employees of the Department of Agriculture to make specific determinations and take specific actions in the application of such rules and regulations to the activities of the Department of Agriculture.

[Sec. 2 amended by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433; EO 11530 of May 26, 1970, 35 FR 8335, 3 CFR, 1966-1970 Comp., p. 929; EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

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SEC. 3. Such provisions in annual appropriation acts of the Department of State, including such acts hereafter enacted, facilitating the work of the Foreign Service of the United States as the Director of the Office of Management and Budget shall from time to time determine appropriate shall be applicable to activities authorized under Title VI of the said act of August 28, 1954.

This order shall be effective as of September 1, 1954.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10717—The President's Award for Distinguished Federal Civilian Service

SOURCE: The provisions of Executive Order 10717 of June 27, 1957, appear at 22 FR 4632, 3 CFR, 1954-1958 Comp., p. 380, unless otherwise noted.

By virtue of the authority vested in me by the Government Employees' Incentive Awards Act, approved September 1, 1954 (68 Stat. 1112), and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established an honorary award for the recognition of distinguished service by civilian officers and employees of the Federal Government. The award shall be known as the President's Award for Distinguished Federal Civilian Service, and shall consist of a gold medal, the design of which accompanies and is hereby made a part of this order, suspended on a ribbon of appropriate material and color, and accompanying appurtenances. Each medal shall be suitably inscribed, and an appropriate citation shall accompany each award.

SEC. 2. (a) The President's Award for Distinguished Federal Civilian Service shall be presented by the President to civilian officers or employees of the Federal Government for the best achievements having current impact in improving Government operations or serving the public interest. These achievements shall exemplify one or more of the following:

(1) Imagination in developing creative solutions to problems of government.

(2) Courage in persevering against great odds and difficulties.

(3) High ability in accomplishing extraordinary scientific or technological achievement, in providing outstanding leadership in planning, organizing, or directing a major program of unusual importance and complexity, or in performing an extraordinary act of credit to the Government and the country.

(4) Long and distinguished career service.

(b) The importance of the achievements to the Government and to the public interest shall be so outstanding that the officer or employee is deserving of greater public recognition than that which can be accorded by the head of the department or agency in which he is employed. Generally, not more than five awards shall be made in any one year. Presentation of the award shall be made at such times as the President may determine.

[Sec. 2 amended by EO 10979 of Dec. 12, 1961, 26 FR 11937, 3 CFR, 1959-1963 Comp., p. 499]

SEC. 3. The Director of the Office of Personnel Management shall advise and assist the President in selecting persons to receive this award. In performing this function, the Director shall carefully review

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nominations submitted pursuant to the provisions of Section 4 of this Order and decide which of them, if any, warrant presentation to the President. The Director shall thereupon transmit to the President the names of those persons who, in the opinion of the Director, merit the award, together with a statement of the reasons therefor. Recipients for the award shall be selected by the President.

SEC. 4. The form and procedures for making nominations for this award shall be prescribed by the Director of the Office of Personnel Management in accord with the following principles:

(a) The Director shall be guided in the performance of this function by the provisions of Section 4504 and 4505 of Title 5 of the United States Code, and by additional criteria which the Director may prescribe.

(b) The Director shall not recommend any person for the award without the concurrence of the head of the agency in which that person was employed at the time of the achievement for which the award is recommended.

(c) Persons appointed by the President are not eligible for this award unless, in the opinion of the Office, they are currently serving in a career position.

[Secs. 3, 4, 5, 6, 7, 8, and 9 deleted and new secs. 3 and 4 added by EO 12014 of Oct. 19, 1977, 42 FR 56105, 3 CFR, 1977 Comp., p. 150. Secs. 3 and 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

EDITORIAL NOTE: An illustration of the award, which was attached to and made a part of Executive Order 10717, is printed in 3 CFR, 1954-1958 Comp., p. 381.

Executive Order 10826—Authorizing the Office of Personnel Management to confer benefits in certain cases

SOURCE: The provisions of Executive Order 10826 of June 25, 1959, appear at 24 FR 5233, 3 CFR, 1959-1963 Comp., p. 362, unless otherwise noted.

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Whenever a Federal employee or former Federal employee has met the requirements of an Executive order (heretofore or hereafter issued) which provides a benefit for Federal employees but has become ineligible to receive such benefit solely because of the failure of an administrative agency, because of error or oversight, to make a timely determination or recommendation required by the Executive order, the Office of Personnel Management may, to avoid inequity in individual cases, confer such benefit upon the employee or former employee: *Provided*, that the Office of Personnel Management may confer such benefit only upon the making of the required determination or recommendation by the agency in which the employee or former employee is employed or is to be employed; and no action taken by the Office under this order shall be effective prior to the date on which the action is taken.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The grant of a benefit under section 1 of this order shall not entitle any person to appeal a reduction-in-force or other personnel

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action made effective prior to the date on which the agency concerned is notified that such person has been granted a benefit under this order.

SEC. 3. Executive Order No. 10535 of June 9, 1954, is hereby revoked.

Executive Order 10982—Administration of the act of September 26, 1961, relating to evacuation payments, assignments, and allotments, and other matters

SOURCE: The provisions of Executive Order 10982 of Dec. 25, 1961, appear at 27 FR 3, 3 CFR, 1959-1963 Comp., p. 502, unless otherwise noted.

By virtue of the authority vested in me by the act of September 26, 1961 (75 Stat. 662), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. As used in this order:

(a) The term "the act" means the act of September 26, 1961 (Public Law 87-304), 75 Stat. 662.

(b) The term "Federal agency" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(c) The term "foreign area" means any area (including the Trust Territory of the Pacific Islands) situated outside (1) the United States (including the District of Columbia), (2) the Commonwealth of Puerto Rico, (3) the Canal Zone, and (4) any territory or possession of the United States.

SEC. 2. (a) Except as otherwise provided by section 2(b) and section 3(c) of this order, the Secretary of State in respect of civilian employees of Federal agencies who are located in foreign areas immediately prior to an emergency evacuation, and the Office of Personnel Management in respect of all other civilian employees of Federal agencies, are hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by section 3(a), section 3(b), and section 6(a) of the act.

(b) The Office of Personnel Management is hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by the provisions of section 6 of the act with respect to allotments and assignments authorized by section 5 of the act.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. The following regulations are hereby prescribed as necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of the act:

(a) To the maximum extent practicable, the Secretary of State, the Office of Personnel Management, and the heads of other Federal agencies shall exercise their authority under the act and this order so that employees of different Federal agencies evacuated from the same geographic area under the same general circumstances may be treated uniformly.

(b) Advance payments of compensation, allowances, and differentials, as authorized by section 2 of the act, shall be held to the minimum

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period during which the order for evacuation is anticipated to continue, and shall in no event be made for a period of more than thirty days.

(c) It is hereby determined to be in the interest of the United States that payments of monetary amounts as authorized by section 3 of the act to and for the account of an employee whose evacuation is ordered and who is prevented from performing the duties of his position, under the circumstances set forth in section 3 of the act, should be extended beyond sixty days for not more than one hundred and twenty additional days only upon determination, pursuant to regulations of the head of the Federal agency concerned, that such additional payments are reasonably necessary to maintain a civilian staff available for performance of duty. Such payments of monetary amounts under the authority of section 3 of the act shall be terminated as of such dates as may be determined by the Secretary of State or the Office of Personnel Management, as appropriate, but not later than the date on which an employee resumes his duties at the post from which he has been evacuated or is assigned to another position.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. (a) The head of each Federal agency shall issue as soon as practicable such regulations as may be necessary and appropriate to carry out his functions under the act and this order.

(b) In order to coordinate the policies and procedures of the executive branch of the Government, all regulations of any Federal agency prepared for issuance under the provisions of section 6(c) of the act and section 4(a) of this order shall be submitted for prior approval to the Secretary of State, or to the Office of Personnel Management, as may be appropriate, under section 2 of this order. The Secretary of State and the Office of Personnel Management shall review such regulations for conformance with the purpose and intent of the act and of the regulations contained in section 3 of this order. No Federal agency shall make any payment under the provisions of the act or this order until such regulations have been approved by the Secretary of State, or the Office of Personnel Management, as appropriate.

[Sec. 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11103—Providing for the appointment of former Peace Corps volunteers to the civilian career services

SOURCE: The provisions of Executive Order 11103 of Apr. 10, 1963, appear at 28 FR 3571, 3 CFR, 1959-1963 Comp., p. 762, unless otherwise noted.

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and section 1753 of the Revised Statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the Executive Branch may appoint in the competitive service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

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[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as such agency head may prescribe.

SEC. 3. Certificates of satisfactory service for the purposes of this Order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act: *Provided*, That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

SEC. 4. Any appointment under this Order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act: *Provided*, That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

SEC. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this Order.

Executive Order 11183—Establishing the President's Commission on White House Fellowships

SOURCE: The provisions of Executive Order 11183 of Oct. 3, 1964, appear at 29 FR 13633, 3 CFR, 1964-1965 Comp., p. 256, unless otherwise noted.

WHEREAS it is in the national interest that our future leaders in all walks of life have opportunities to observe at firsthand the important and challenging tasks of American Government; and

WHEREAS participation in Government service early in their careers will help persons with high qualifications to become well-informed and public-spirited citizens; and

WHEREAS it is appropriate that public recognition be given to persons of exceptional promise who are willing to devote their time to increasing their understanding of the public business:

[Preamble amended by EO 12012 of Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission on White House Fellowships, hereinafter referred to as the Commission. The Commission shall consist of such outstanding citizens from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, and the Government service, as the President may from time to time appoint. One

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of the members shall be designated by the President to serve as Chairman of the Commission.

(b) Members of the Commission shall serve at the pleasure of the President. Federal officials shall receive no additional compensation by reason of their service on the Commission. Members appointed to the Commission from private life shall serve without compensation.

[Sec. 1 amended by EO 11410 of May 6, 1968, 33 FR 6911, 3 CFR, 1966-1970 Comp., p. 725]

SEC. 2. *Functions of the Commission.* (a) The Commission shall prescribe such standards and procedures as may be necessary to enable it to recommend annually a group of outstanding persons from among whom the President may select White House Fellows. Following publication of these standards and procedures, the Commission may accept (1) applications from individuals, including regular members of the Armed Forces of the United States, and (2) nominations from sponsoring individuals or organizations for consideration in its recommendations.

(b) The standards and procedures to be prescribed by the Commission shall be so drawn as to limit the selection of White House Fellows to persons who—

(1) Have demonstrated unusual ability, high moral character, outstanding motivation, and a broad capacity for leadership;

(2) Are presently early in their chosen careers and show exceptional promise of future development;

(3) Are dedicated to the institutions of the United States and the values of American civilization; and

(4) Are not, on the date on which they apply or at any time between the date of application and the beginning of service as a White House Fellow, employed in, or receiving any salary or wage as compensation for, the performance of a Federal function under authority of law or Executive act; except that, this exclusion shall not apply to regular members of the Army, Navy, Air Force, Marine Corps or Coast Guard, nor shall it apply to a "special Government employee" as defined in Section 202 of Title 18 of the United States Code, nor shall it apply to an independent contractor or employee thereof.

(c) White House Fellows shall be recommended by the Commission and selected by the President without discrimination on the basis of sex, race, color, creed, national origin, age or political affiliation.

[Sec. 2 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p. 673; EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 158; EO 12012 of Oct. 3, 1977, 42 FR 54249, 3 CFR, 1977 Comp., p. 146]

SEC. 3. *White House Fellows.* White House Fellows will be appointed to serve for a period to be set by the Commission, provided that such a period shall not exceed 365 days. Extensions of appointments may be granted by the Commission at any time after appointments are made, but such extensions shall not exceed 90 days. White House Fellows will begin their appointments on September 1 of the year in which they are selected, and shall be assigned to serve on the White House staff, in the Executive Office of the President, in the Office of the Vice President, in the offices of members of the Cabinet, or in the offices of such other Executive Branch officials as shall, from time to time, be designated by the President and the Commission.

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[Sec. 3 amended by EO 11946 of Oct. 25, 1976, 41 FR 47219, 3 CFR, 1976 Comp., p. 158; EO 12653 of Sept. 29, 1988, 53 FR 38705, 3 CFR, 1988 Comp., p. 583]

SEC. 4. Executive Agencies. (a) Each executive agency as defined in section 105 of title 5 of the United States Code shall extend fullest cooperation to the White House Fellows Program and attempt to maximize the Program's benefits to the individual Fellow, the Department or Agency, and the Federal Government.

(b) The Office of Personnel Management shall provide the Commission with administrative services, staff support, and travel expenses as authorized by law.

[Sec. 4 amended by EO 11648 of Feb. 16, 1972, 37 FR 3623, 3 CFR, 1971-1975 Comp., p. 673; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

EDITORIAL NOTE: The President's Commission on White House Fellowships was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36801, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to Congress, shall be performed by the Director of the Office of Personnel Management in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 11203—Permitting certain qualified employees of the Treasury Department to be given career appointment

SOURCE: The provisions of Executive Order 11203 of Mar. 12, 1965, appear at 30 FR 3417, 3 CFR, 1964-1965 Comp., p. 287, unless otherwise noted.

By virtue of the authority vested in me by Section 2 of the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) and as President of the United States, it is hereby ordered as follows:

SECTION 1. Any employee of the Treasury Department serving under an appointment under Schedule B of the Civil Service Rules in a position concerned with the protection of the life and safety of the President, members of his immediate family, or other persons for whom similar protective services are provided by law (which responsibility is hereinafter referred to as the protective function) may have his appointment converted to a career appointment if:

(1) he has completed at least three years of full-time continuous service in a position concerned with the protective function;

(2) the Secretary of the Treasury, or his designee, recommends the conversion of the employee's appointment within 90 days after the employee meets the service requirements of this section, or within 90 days after the date of this Order, whichever is later;

(3) he shall have passed a competitive examination appropriate for the position he is occupying or meets noncompetitive examination standards the Office of Personnel Management prescribes for his position; and

(4) he meets all other requirements prescribed by the Office pursuant to Section 5 of this Order.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. For the purposes of Section 1—

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(1) "full-time continuous service" means service without a break of more than 30 calendar days;

(2) except as provided in paragraph (3) of this section, active service in the Armed Forces of the United States shall be deemed to be full-time continuous service in a position concerned with the protective function if the employee concerned shall have left a position concerned with the protective function to enter the Armed Forces and shall have been re-employed in a position concerned with the protective function within 120 days after he shall have been discharged from the Armed Forces under honorable conditions; and

(3) active service in the Armed Forces shall not be deemed to be full-time continuous service in a position concerned with the protective function if such active service exceeds a total of four years plus any period of additional service imposed pursuant to law.

SEC. 3. Any employee who shall have left a position concerned with the protective function to enter active service in the Armed Forces of the United States, who is re-employed in such a position within 120 days after his discharge under honorable conditions from such service, and who meets the requirements of Section 1 as the result of being credited with his period of active service in the Armed Forces pursuant to Section 2(2), may have his appointment converted if the Secretary of the Treasury, or his designee, recommends that conversion within 90 days after his re-employment.

SEC. 4. Whenever the Secretary of the Treasury, or his designee, decides not to recommend conversion of the appointment of an employee under this Order or whenever the Secretary, or his designee, recommends conversion and the employee fails to qualify, the employee shall be separated by the date on which his current Schedule B appointment expires.

SEC. 5. The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purposes of this Order.

[Sec. 5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11219--Providing for the appointment in the competitive service of certain present and former officers and employees of the Foreign Service

SOURCE: The provisions of Executive Order 11219 of May 6, 1965, appear at 30 FR 6381, 3 CFR, 1964-1965 Comp., p. 303, unless otherwise noted.

By virtue of the authority vested in me by section 1753 of the Revised Statutes and the Civil Service Act (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under regulations and conditions prescribed by the Office of Personnel Management, a present or former member of the Foreign Service may be appointed in the competitive service if he:

(a) Is qualified for the position in the competitive service;

(b) Was appointed in the Foreign Service under authority of the Foreign Service Act of 1946, as amended, the Foreign Service Act of 1950, or legislation that supplements or replaces the latter Act;

(c) Served in the Foreign Service under an unlimited, career-type appointment and, immediately before his separation from that appointment, he completed at least one year of continuous service under one

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or more nontemporary appointments in the Foreign Service which may include the service that made him eligible for his career-type appointment; and

(d) Is appointed within 3 years after his separation from the Foreign Service, or he completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment, or he is entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

SEC. 2. (a) Except as provided in paragraph (b) of this section, a person appointed under Section 1 of this Order becomes a career conditional employee.

(b) A person appointed under Section 1 of this Order becomes a career employee when he:

(1) Has completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment;

(2) Is appointed to a position in the competitive service required by law or Executive order to be filled on a permanent or career basis; or

(3) Has completed the service requirement for career tenure in the competitive service. For the purpose of subparagraph (3) of this paragraph, service in the Foreign Service is creditable in meeting the service requirement only if the person concerned is appointed to a nontemporary position in the competitive service under Section 1 of this Order within 30 days after his separation from the Foreign Service.

SEC. 3. A person appointed to a nontemporary position in the competitive service under Section 1 of this Order acquires a competitive status automatically on appointment.

SEC. 4. Any law, Executive order, or regulation that would disqualify an applicant for appointment in the competitive service shall also disqualify a person for appointment under Section 1 of this Order.

SEC. 5. For the purpose of this Order, a person is deemed to be a member of the "Foreign Service" if he was appointed in any agency under authority of the Foreign Service Act of 1946, as amended, the Foreign Service Act of 1980, or legislation that supplements or replaces the latter Act.

[Sec. 5 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

Executive Order 11222—Prescribing standards of ethical conduct for Government officers and employees

SOURCE: The provisions of Executive Order 11222 of May 8, 1965, appear at 30 FR 4669, 3 CFR, 1964-1965 Comp., p. 306, unless otherwise noted.

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

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PART I—POLICY

SECTION 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

PART II—STANDARDS OF CONDUCT

SEC. 201. (a) Except in accordance with regulations issued pursuant to subsection (b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Office of Personnel Management, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

(1) using public office for private gain;

(2) giving preferential treatment to any organization or person;

(3) impeding government efficiency or economy;

(4) losing complete independence or impartiality of action;

(5) making a government decision outside official channels; or

(6) affecting adversely the confidence of the public in the integrity of the Government.

[Sec. 201 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 202. An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a con-

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conflict, or an apparent conflict, between the private interests of the employee and his official government duties and responsibilities, although such teaching, lecturing, and writing by employees are generally to be encouraged so long as the laws, the provisions of this order, and Office of Personnel Management and agency regulations covering conflict of interest and outside employment are observed.

[Sec. 202 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 203. Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions.

SEC. 204. An employee shall not use Federal property of any kind for other than officially approved activities. He must protect and conserve all Federal property, including equipment and supplies, entrusted or issued to him.

SEC. 205. An employee shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

SEC. 206. An employee is expected to meet all just financial obligations, especially those—such as Federal, State, or local taxes—which are imposed by law.

PART III—STANDARDS OF ETHICAL CONDUCT FOR SPECIAL GOVERNMENT EMPLOYEES

SEC. 301. This part applies to all "special Government employees" as defined in Section 202 of Title 18 of the United States Code, who are employed in the Executive Branch.

SEC. 302. A consultant, adviser or other special Government employee must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons including particularly those with whom he has family, business, or financial ties.

SEC. 303. A consultant, adviser, or other special Government employee shall not use any inside information obtained as a result of his government service for private personal gain, either by direct action on his part or by counsel, recommendations or suggestions to others, including particularly those with whom he has family, business, or financial ties.

SEC. 304. An adviser, consultant, or other special Government employee shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

SEC. 305. An adviser, consultant, or other special Government employee shall not receive or solicit from persons having business with his agency anything of value as a gift, gratuity, loan or favor for himself or

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persons with whom he has family, business, or financial ties while employed by the government or in connection with his work with the government.

SEC. 306. [Revoked]

[Sec. 306 revoked by EO 12565 of Sept. 25, 1986, 51 FR 34437, 3 CFR, 1986 Comp., p. 229]

PART IV—REPORTING OF FINANCIAL INTERESTS¹

SEC. 401. *Policy.* In order to maintain public confidence in the integrity of the Government and to preserve and promote ethical standards, a system of non-public (confidential) financial reporting shall be established for officers and employees of the Executive Branch. Such non-public (confidential) reporting shall complement the public financial disclosure system established by title II of the Ethics in Government Act of 1978, as amended.

SEC. 402. *Definition.* For purposes of this Part, the term

(a) The "Act" refers to the Ethics in Government Act of 1978, as amended.

(b) "Employee" means any officer or employee of an agency, including a special Government employee (as defined in 18 U.S.C. sec. 202(a)).

(c) "Executive Branch" includes each Executive agency (as defined in 5 U.S.C. sec. 105) and any other entity or administrative unit in the Executive Branch unless such agency, entity or unit is specifically included in the coverage of title I or III of the Act.

SEC. 403. *Comprehensive System of Financial Reporting.* There shall be a comprehensive system of financial reporting for employees in the Executive Branch pursuant to title II of the Act. Such comprehensive system shall require—

(a) Reports subject to public disclosure by those employees whose positions are covered under section 201 of the Act; and

(b) Non-public (confidential) reports by those employees whose positions have been designated for this purpose pursuant to section 404 of this Part. These reports shall be held in confidence as required by section 207 of the Act and as authorized by the Freedom of Information Act at 5 U.S.C. sec. 552(b) (3), (4) and (6). Any disclosure of the reports must satisfy the terms of the Privacy Act at 5 U.S.C. sec. 552a.

SEC. 404. *The Office of Government Ethics.* Notwithstanding any other provision of this Order, the Office of Government Ethics shall be responsible for administering this part by—

(a) Developing, in consultation with the Attorney General and the Office of Personnel Management, regulations setting forth (1) criteria for the guidance of agencies of the Executive Branch in designating the positions for which non-public (confidential) reports will be required and the type of information to be obtained in such reports in light of applicable conflict of interest statutes and regulations and the author-

¹ EDITORIAL NOTE: Executive Order 12565 of Sept. 25, 1986, which added a new Part IV, also provided that "[t]o preserve the confidentiality of the current system of financial reporting, financial reports filed pursuant to the authority of Executive Order No. 11222, 5 C.F.R. Part 735, and individual agency regulations in which confidentiality for such reports has been assured shall continue to be held in confidence.

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ized activities of each agency; and (2) the time and place for submission of such reports;

(b) Assuring that each agency of the Executive Branch designates its respective positions for which non-public reports will be required from employees holding such positions; and

(c) Assuring that implementing regulations issued by the agencies of the Executive Branch are properly administered."

[Former secs. 401-406 revoked and secs. 401-404 added by EO 12565 of Sept. 25, 1986, 51 FR 34437, 3 CFR, 1986 Comp., p. 229]

PART V—DELEGATING AUTHORITY OF THE PRESIDENT UNDER SECTIONS 205 AND 208 OF TITLE 18 OF THE UNITED STATES CODE RELATING TO CONFLICTS OF INTEREST

SEC. 501. As used in this part, "department" means an executive department, "agency" means an independent agency or establishment or a Government corporation, and "head of an agency" means, in the case of an agency headed by more than one person, the chairman or comparable member of such agency.

SEC. 502. There is delegated, in accordance with and to the extent prescribed in Sections 503 and 504 of this part, the authority of the President under Sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible.

SEC. 503. Insofar as the authority of the President referred to in Section 502 extends to any appointee of the President subordinate to or subject to the chairmanship of the head of a department or agency, it is delegated to such department or agency head.

SEC. 504. Insofar as the authority of the President referred to in Section 502 extends to an appointee of the President who is within or attached to a department or agency for purposes of administration, it is delegated to the head of such department or agency.

SEC. 505. Notwithstanding any provision of the preceding sections of this part to the contrary, this part does not include a delegation of the authority of the President referred to in Section 502 insofar as it extends to:

- (a) The head of any department or agency in the Executive Branch;
- (b) Presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that Office; and
- (c) Presidential appointees to committees, boards, commissions, or similar groups established by the President.

PART VI—PROVIDING FOR THE PERFORMANCE BY THE OFFICE OF PERSONNEL MANAGEMENT OF CERTAIN AUTHORITY VESTED IN THE PRESIDENT BY SECTION 1753 OF THE REVISED STATUTES

SEC. 601. The Office of Personnel Management is designated and empowered to perform, without the approval, ratification, or other action of the President, so much of the authority vested in the President by Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631)

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as relates to establishing regulations for the conduct of persons in the civil service.

[Title and sec. 601 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 602. Regulations issued under the authority of Section 601 shall be consistent with the standards of ethical conduct provided elsewhere in this order.

PART VII—GENERAL PROVISIONS

SEC. 701. The Office of Personnel Management is authorized and directed, in addition to responsibilities assigned elsewhere in this order:

(a) To issue appropriate regulations and instructions implementing Parts II, III, and IV of this order;

(b) To review agency regulations from time to time for conformance with this order; and

(c) To recommend to the President from time to time such revisions in this order as may appear necessary to ensure the maintenance of high ethical standards within the Executive Branch.

[Sec. 701 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 702. Each agency head is hereby directed to supplement the standards provided by law, by this order, and by regulations of the Office of Personnel Management with regulations of special applicability to the particular functions and activities of his agency. Each agency head is also directed to assure (1) the widest possible distribution of regulations issued pursuant to this section, and (2) the availability of counseling for those employees who request advice or interpretation.

[Sec. 702 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 703. The following are hereby revoked:

(a) Executive Order No. 10939 of May 5, 1961.

(b) Executive Order No. 11125 of October 29, 1963.

(c) Section 2(a) of Executive Order No. 10530 of May 10, 1954.

(d) White House memorandum of July 20, 1961, on "Standards of Conduct for Civilian Employees."

(e) The President's Memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." The effective date of this revocation shall be the date of issuance by the Office of Personnel Management of regulations under Section 701(a) of this order.

[Sec. 703 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 704. All actions heretofore taken by the President or by his delegates in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this order or terminate by operation of law, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

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SEC. 705. As used in this order, and except as otherwise specifically provided herein, the term "agency" means any executive department, or any independent agency or any Government corporation; and the term "employee" means any officer or employee of an agency.

SEC. 706. This Order shall be applicable to the United States Postal Service established by the Postal Reorganization Act of 1970.

[Sec. 706 added by EO 11590 of Apr. 23, 1971, 36 FR 7831, 3 CFR, 1971-1975 Comp., p. 558]

Executive Order 11228—Providing for the performance by the Office of Personnel Management of certain functions vested in or subject to the approval of the President

SOURCE: The provisions of Executive Order 11228 of June 14, 1965, appear at 30 FR 7739, 3 CFR, 1964-1965 Comp., p. 317, unless otherwise noted.

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows—

SECTION 1. The Office of Personnel Management is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority vested in the Office of Personnel Management by Section 605 of the Federal Employees Pay Act of 1945, 59 Stat. 304 (5 U.S.C. 945), to issue, subject to the approval of the President, regulations necessary for the administration of certain provisions of that Act insofar as the Act affects officers and employees in or under the executive branch of the Government.

(2) The authority vested in the President by Section 203(f) of the Annual and Sick Leave Act of 1951, 65 Stat. 680 (5 U.S.C. 2062(f)), to prescribe regulations governing the granting of leave of absence as described in that Section.

(3) Except as to Presidential appointees, the authority vested in the President (A) by section 204 of the Act of June 30, 1932, 47 Stat. 404, to exempt from automatic separation from the service under that Section any person when, in his judgment, the public interest so requires, and (B) by Section 5(c) of the Civil Service Retirement Act, 70 Stat. 748 (5 U.S.C. 2255(c)), to exempt from automatic separation from the service under Section 5 of that Act any employee when, in his judgment, the public interest so requires.

(4) The authority vested in the President by Section 9(b)(8) of the Federal Employees Salary Act of 1965 (approved October 29, 1965) to prescribe rules and regulations excluding officers or employees from the application of Section 9 of that Act.

(5) The authority vested in the President by Section 9(c) of the Federal Employees Salary Act of 1965 to prescribe rules and regulations governing severance pay.

[Title and sec. 1 amended by EO 11257 of Nov. 13, 1965, 30 FR 14353, 3 CFR, 1964-1965 Comp., p. 357; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The Director of the Office of Personnel Management is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by Section 304(e) of the Government Employees' Incentive

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Awards Act, 68 Stat. 1113 (5 U.S.C. 2123(e)), to determine the activity primarily benefiting, or the various activities benefiting, from any suggestion, invention, superior accomplishment, or other personal effort of any civilian officer or employee of the Government which constitutes the basis of any Presidential award or honorary recognition made or granted under Section 304(b) of that Act (5 U.S.C. 2123(b)).

Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. The following are hereby superseded:

- (1) Part II of Executive Order No. 10530 of May 10, 1954.
- (2) Executive Order No. 10682 of October 22, 1956.
- (3) Section 5 of Executive Order No. 10800 of January 15, 1959.
- (4) Executive Order No. 10835 of August 21, 1959.
- (5) So much of Section 2 of Executive Order No. 10903 of January 9, 1961, as added paragraph (e) to Section 2 of Executive Order No. 10530 of May 10, 1954.

SEC. 4. (a) Unless inappropriate, references in this Order to any statute or to any provision of any statute shall be deemed to include references thereto as amended from time to time.

(b) Unless inappropriate, any reference in any Executive order to any Executive order which is superseded by this Order, or to any Executive order provision so superseded, shall hereafter be deemed to refer to this Order or to the provision of Section 1 or Section 2 of this Order, if any, which corresponds to the superseded provision.

SEC. 5. All actions heretofore taken by the President or by his delegates in respect of the matters affected by Sections 1 and 2 of this Order and in force at the time of the issuance of this Order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this Order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this Order unless sooner terminated by operation of law.

Executive Order 11315—Amending the Civil Service Rules to authorize an Executive Assignment System for positions in grades 16, 17, and 18 of the General Schedule

SOURCE: The provisions of Executive Order 11315 of Nov. 17, 1966, appear at 31 FR 14729, 3 CFR, 1966-1970 Comp., p. 597, unless otherwise noted.

WHEREAS, the increasing complexities of Government require personnel of the highest attainable qualifications who are capable of assuming and discharging efficiently major and varied duties and responsibilities in the Executive Branch in response to present and future needs; and

WHEREAS, this need for high quality can best be met by the establishment of an executive assignment system for the top three grades of the General Schedule, extending and adapting merit principles in recruitment, selection, and development, combined with improvements in the identification, assignment and utilization of key personnel:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by 5 U.S.C. 3301 and 3302, and as President of the United States, it is ordered as follows:

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PART I. CIVIL SERVICE RULES

EDITORIAL NOTE: The provisions of section 1 of Part I, which set out a new Civil Service Rule IX, are codified at 5 CFR Part 9, and the provisions of section 2 of Part I are codified at 5 CFR 6.1 and 6.6.

PART II. SPECIAL PROVISIONS FOR TRANSITION TO THE FULL ESTABLISHMENT OF EXECUTIVE ASSIGNMENTS UNDER RULE IX

SEC. 3. *Effective dates.* This order, except section 1, is effective upon filing for publication in the FEDERAL REGISTER.¹ Section 1 of this order is effective not later than one year from the date of this order, or at such earlier dates as the Office of Personnel Management may specify for individual agencies or positions.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. *Interim appointments.* After the date of this order and before Civil Service Rule IX has become effective as to a position, an appointing officer may fill the position in accordance with the appointment system in effect on the day of the appointment.

SEC. 5. *Conversion of incumbents.* On the day Civil Service Rule IX becomes effective as to a position, the appointment of the incumbent of that position shall be changed as follows:

(a) If he is serving under a career or career-conditional appointment in the competitive service, he shall be converted to a Career Executive Assignment;

(b) If he is serving in the excepted service under a nontemporary appointment, he shall be converted to a Noncareer Executive Assignment;

(c) If he is serving in the competitive service under an indefinite or temporary appointment without definite time limit and:

(1) if he has served under this type of appointment for at least five years, he shall be:

(i) converted to a Career Executive Assignment, or appointed to a continuing position in the competitive service in grade GS-15, or below;

(ii) converted to a Noncareer Executive Assignment; or

(iii) separated from the service; or

(2) if he has served under this type of appointment for less than five years, he shall be:

(i) converted to a Noncareer Executive Assignment;

(ii) separated from the service; or

(iii) allowed to continue to serve until he has served five years, at which time the appointing officer shall take one of the actions provided for in subparagraph (1) of this paragraph.

An incumbent who is serving under any other type of appointment shall continue under that appointment until it is terminated.

PART III. ADMINISTRATION

SEC. 6. *Office responsibilities.* The Office of Personnel Management is responsible to the President for the effective implementation and admin-

¹ EDITORIAL NOTE: Filed with the Office of the Federal Register Nov. 18, 1966.

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istration of the executive assignment system established by this Order. The Office shall continuously review operations under this system, shall recommend promptly to the President any changes that are necessary to improve this system, and shall report periodically to the President any significant developments in the operation of the system. The Office shall recommend to the President a program of special honors and awards for the recognition of persons assigned to Career Executive Assignments and a program for the development and training of persons assigned to Career Executive Assignments. The training program shall include the establishment of special training and educational facilities, and provide for the relevant use of outside training facilities.

[Sec. 6 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 7. Responsibilities of the agencies. The head of each agency in which there are positions covered by Civil Service Rule IX shall periodically review with the Office of Personnel Management his plans for staffing. The head of a newly established agency shall initially review with the Office his plans for staffing as soon as practicable after the establishment of the agency. The head of each agency shall cooperate fully with the Office in the establishment of special facilities and special boards and panels that are required under Civil Service Rule IX as a means of recruiting persons of the highest quality.

[Sec. 7 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 8. Regulations. The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose and intent of this Order.

[Sec. 8 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11348—Providing for the further training of Government employees

SOURCE: The provisions of Executive Order 11348 of Apr. 20, 1967, appear at 32 FR 6335, 3 CFR, 1966-1970 Comp., p. 639, unless otherwise noted.

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by section 2 of the Act of July 7, 1958 (72 Stat. 327), it is ordered as follows:

PART I—GENERAL

SECTION 101. (a) As used in this order, the terms "agency", "employee", "Government", and "training" have the meanings given to those terms, respectively, by section 4101 of Title 5, United States Code.

(b) "Interagency training" means training provided by one agency for other agencies or shared by two or more agencies.

SEC. 102. It is the policy of the Government of the United States to develop its employees through the establishment and operation of progressive and efficient training programs, thereby improving public service, increasing efficiency and economy, building and retaining a force of skilled and efficient employees, and installing and using the best modern practices and techniques in the conduct of the Government's business.

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SEC. 103. The Office of Personnel Management shall provide leadership and guidance to insure that the policy set forth in section 102 is carried out.

[Sec. 103 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART II—OFFICE OF PERSONNEL MANAGEMENT RESPONSIBILITIES

SEC. 201. The Office of Personnel Management shall plan and promote the development, improvement, coordination, and evaluation of training in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

[Part title and sec. 201 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 202. In carrying out its responsibilities under chapter 41 of Title 5, United States Code, and section 201 of this order, the Office shall:

(a) Advise the President on means for furthering and strengthening programs of training;

(b) Counsel heads of agencies and other agency officials on the improvement of training;

(c) Assist agencies to develop sound programs and financial plans for training and provide advice, information, and assistance to agencies on planning, programming, budgeting, operating, and evaluating training programs;

(d) Identify functional areas in which new or expanded interagency training activity is needed and either conduct such training or arrange for agencies having the substantive competence to do so;

(e) Coordinate interagency training conducted by and for agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code);

(f) Encourage agencies to make appropriate use of non-Government training resources;

(g) Develop, install, and maintain a system to provide the training data needed to carry out its own functions and to provide staff assistance to the President; and

(h) Provide for identification and dissemination of findings of research into training technology and undertake, or assign to other agencies, such research projects as may be needed.

[Sec. 202 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART III—AGENCY RESPONSIBILITIES AND OPERATIONS

SEC. 301. The head of each agency shall plan, program, budget, operate, and evaluate training programs in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

SEC. 302. The head of each agency shall:

(a) Foster employee self-development by creating a work environment in which self-development is encouraged, by assuring that opportunities for training and self-study materials are reasonably available

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the employee is stationed, and by recognizing self-initiated improvement in performance;

Provide training for employees without regard to race, creed, national origin, sex, or other factors unrelated to the need for training;

Establish and make full use of agency facilities for training employees;

Extend agency training programs to employees of other agencies including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code) and assign his employees to agency training whenever this will result in better training, improved service, or savings to the Government;

Establish interagency training facilities in areas of substantive competence as arranged by the Office of Personnel Management; and

Use non-Government training resources as appropriate.

302 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p.

c. 303. In carrying out his responsibilities, the head of each agency shall be guided by the principles, policies, and regulations of the Office of Personnel Management:

Review periodically, but not less often than annually, the agency's training program to identify training needed to bring about more effective performance at the least possible cost;

Conduct periodic reviews of individual employee's training needs related to program objectives;

Conduct research related to training objectives and required for program improvement and effectiveness;

Plan, program, and evaluate training for both short and long-range program needs by occupations, organizations, or other appropriate groups;

Establish priorities for needed training, and provide for the use of funds and manhours in accordance with these priorities;

Utilize the flexibility of work assignments to provide work experience which promotes growth leading to higher quality and greater quantity of work done;

Establish training facilities and services as needed;

Monitor the effectiveness with which self-development is encouraged and on-the-job training is provided at all levels;

Establish criteria for the selection of employees for training; and

Approve the acceptance of any contributions, awards, or payments to employees authorized by section 401(b) of this order and regulations issued by the Office of Personnel Management.

303 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p.

PART IV—DELEGATIONS

SEC. 401. The following functions vested in the President are hereby delegated to the Office of Personnel Management:

(a) The authority under section 4102(b)(1) of Title 5, United States Code, to designate any agency or part thereof, or any employee or employees therein, as excepted from any provision of chapter 41 of Title

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5, United States Code, other than sections 4102, 4111(b), and 4112; and to designate any such agency or part thereof, or any employee or employees therein previously excepted, as again subject to chapter 41 of Title 5, United States Code, or any provision of that chapter.

(b) The authority under section 4111(a) of Title 5, United States Code, to fix by regulation the extent to which the contributions, awards, and payments referred to in that section may be made to and accepted by employees.

[Sec. 401 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 402. The authority vested in the President by section 4101(6)(B) of Title 5, United States Code, to designate a foreign government or international organization or instrumentality of either as eligible to provide training, is hereby delegated to the head of each agency for his employees except that each such designation shall be made only after the agency head concerned has obtained and given due consideration to the advice of the Department of State thereon prior to the first use of such training facility and thereafter periodically but not less often than every three years.

PART V—REVOCATION OF PRIOR ORDER

SEC. 501. Executive Order No. 10800 of January 15, 1959, is hereby revoked.

Executive Order 11478—Equal employment opportunity in the Federal Government

SOURCE: The provisions of Executive Order 11478 of Aug. 8, 1969, appear at 34 FR 12985, 3 CFR, 1966-1970 Comp., p. 803, unless otherwise noted.

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

SECTION 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, or age, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

[Preamble deleted and sec. 1 amended by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263]

SEC. 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer

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in a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this Order; assure participation at the local level with other employees, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide a system within the department or agency for periodically evaluating the effectiveness with which the policy of this Order is being carried out.

SEC. 3. The Equal Employment Opportunity Commission shall be responsible for directing and furthering the implementation of the policy of the Government of the United States to provide equal opportunity in Federal employment for all employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) and to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, or age.

[Sec. 3 amended by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263]

SEC. 4. The Equal Employment Opportunity Commission, after consultation with all affected departments and agencies, shall issue such rules, regulations, orders, and instructions and request such information from the affected departments and agencies as it deems necessary and appropriate to carry out this Order.

[Sec. 4 amended by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263]

SEC. 5. All departments and agencies shall cooperate with and assist the Equal Employment Opportunity Commission in the performance of its functions under this Order and shall furnish the Commission such reports and information as it may request. The head of each department or agency shall comply with rules, regulations, orders and instructions issued by the Equal Employment Opportunity Commission pursuant to section 4 of this Order.

[Sec. 5 amended by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263]

SEC. 6. This Order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service and to the employees in those positions. This Order does not apply to aliens employed outside the limits of the United States.

SEC. 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

SEC. 8. This Order shall be applicable to the United States Postal Service and to the Postal Rate Commission established by the Postal Reorganization Act of 1970.

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[Sec. 8 added by EO 11590 of Apr. 23, 1971, 36 FR 7831, 3 CFR, 1971-1975 Comp., p. 558]

Executive Order 11491—Labor-management relations in the Federal Service

SOURCE: The provisions of Executive Order 11491 of Oct. 29, 1969, appear at 34 FR 17605, 3 CFR, 1966-1970 Comp., p. 861, unless otherwise noted.

WHEREAS the public interest requires high standards of employee performance and the continual development and implementation of modern and progressive work practices to facilitate improved employee performance and efficiency; and

WHEREAS the well-being of employees and efficient administration of the Government are benefited by providing employees an opportunity to participate in the formulation and implementation of personnel policies and practices affecting the conditions of their employment; and

WHEREAS the participation of employees should be improved through the maintenance of constructive and cooperative relationships between labor organizations and management officials; and

WHEREAS subject to law and the paramount requirements of public service, effective labor-management relations within the Federal Service require a clear statement of the respective rights and obligations of labor organizations and agency management:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5 of the United States Code, and as President of the United States, I hereby direct that the following policies shall govern officers and agencies of the executive branch of the Government in all dealings with Federal employees and organizations representing such employees.

GENERAL PROVISIONS

SECTION 1. *Policy.* (a) Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right. Except as otherwise expressly provided in this Order, the right to assist a labor organization extends to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress, or other appropriate authority. The head of each agency shall take the action required to assure that employees in the agency are apprised of their rights under this section and that no interference, restraint, coercion, or discrimination is practiced within his agency to encourage or discourage membership in a labor organization.

(b) Paragraph (a) of this section does not authorize participation in the management of a labor organization or acting as a representative of such an organization by a supervisor, except as provided in section 24 of this Order, or by an employee when the participation or activity would result in a conflict or apparent conflict of interest or otherwise be incompatible with law or with the official duties of the employee.

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SEC. 2. *Definitions.* When used in this Order, the term—

(a) "Agency" means an executive department, a Government corporation, and an independent establishment as defined in section 104 of title 5, United States Code, except the General Accounting Office;

(b) "Employee" means an employee of an agency and an employee of a nonappropriated fund instrumentality of the United States but does not include, for the purpose of exclusive recognition or national consultation rights, a supervisor, except as provided in section 24 of this Order;

(c) "Supervisor" means an employee having authority, in the interest of an agency, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

(d) [Revoked]

(e) "Labor organization" means a lawful organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with agencies concerning grievances, personnel policies and practices, or other matters affecting the working conditions of their employees; but does not include an organization which—

(1) consists of management officials or supervisors, except as provided in section 24 of this Order;

(2) assists or participates in a strike against the Government of the United States or any agency thereof, or imposes a duty or obligation to conduct, assist, or participate in such a strike;

(3) advocates the overthrow of the constitutional form of government of the United States; or

(4) discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin;

(f) "Agency management" means the agency head and all management officials, supervisors, and other representatives of management having authority to act for the agency on any matters relating to the implementation of the agency labor-management relations program established under this Order;

(g) "Authority" means the Federal Labor Relations Authority;

(h) "Panel" means the Federal Service Impasses Panel;

(i) "Assistant Secretary" means the Assistant Secretary of Labor for Labor Management Relations; and

(j) "General Counsel" means the General Counsel of the Authority.

[Sec. 2 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605; EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. *Application.* (a) This Order applies to all employees and agencies in the executive branch, except as provided in paragraphs (b), (c) and (d) of this section.

(b) This Order (except section 22) does not apply to—

(1) the Federal Bureau of Investigation;

(2) the Central Intelligence Agency;

(3) any other agency, or office, bureau, or entity within an agency, which has as a primary function intelligence, investigative, or security

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work, when the head of the agency determines, in his sole judgment, that the Order cannot be applied in a manner consistent with national security requirements and considerations; or

(4) any office, bureau or entity within an agency which has as a primary function investigation or audit of the conduct or work of officials or employees of the agency for the purpose of ensuring honesty and integrity in the discharge of their official duties, when the head of the agency determines, in his sole judgment, that the Order cannot be applied in a manner consistent with the internal security of the agency;

(5) The Foreign Service of the United States; Department of State; United States Information Agency and Agency for International Development and its successor agency or agencies.

(6) The Tennessee Valley Authority; or

(7) Personnel of the Federal Labor Relations Authority (including the Office of the General Counsel and the Federal Service Impasse Panel).

(c) The head of an agency may, in his sole judgment, suspend any provision of this Order (except section 22) with respect to any agency installation or activity located outside the United States, when he determines that this is necessary in the national interest, subject to the conditions he prescribes.

(d) Employees engaged in administering a labor-management relations law or this Order who are otherwise authorized by this Order to be represented by a labor organization shall not be represented by a labor organization which also represents other groups of employees under the law or this Order, or which is affiliated directly or indirectly with an organization which represents such a group of employees.

[Sec. 3 amended by EO 11636 of Dec. 17, 1971, 36 FR 24901, 3 CFR, 1971-1975 Comp., p. 634; EO 11901 of Jan. 30, 1976, 41 FR 4807, 3 CFR, 1976 Comp., p. 87; EO 12107 of Dec. 28, 1978, 44 FR 10555, 3 CFR, 1978 Comp., p. 264]

ADMINISTRATION

SEC. 4. *Powers and Duties of the Federal Labor Relations Authority.*

(a) [Revoked]

(b) The Authority shall administer and interpret this Order, decide major policy issues, and prescribe regulations.

(c) The Authority shall, subject to its regulations:

(1) decide questions as to the appropriate unit for the purpose of exclusive recognition and related issues submitted for its consideration;

(2) supervise elections to determine whether a labor organization is the choice of a majority of the employees in an appropriate unit as the exclusive representative, and certify the results;

(3) decide questions as to the eligibility of labor organizations for national consultation rights;

(4) decide unfair labor practice complaints; and

(5) decide questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement as provided in Section 13(d) of this Order.

(d) The Authority may consider, subject to its regulations:

(1) appeals on negotiability issues as provided in Section 11(c) of this Order;

(2) exceptions to arbitration awards;

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(3) appeals from decisions of the Assistant Secretary of Labor for Labor-Management Relations issued pursuant to Section 6(b) of this Order; and

(4) other matters it deems appropriate to assure the effectuation of the purposes of this Order.

(e) In any matters arising under subsection (c) and (d)(3) of this Section, the Authority may require an agency or a labor organization to cease and desist from violations of this Order and require it to take such affirmative action as the Authority considers appropriate to effectuate the policies of this Order.

(f) In performing the duties imposed on it by this Section, the Authority may request and use the services and assistance of employees of other agencies in accordance with Section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686).

[Sec. 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 5. Powers and Duties of the Federal Service Impasses Panel. (a) There is hereby established the Federal Service Impasses Panel as a distinct organizational entity within the Authority. The Panel consists of at least three members appointed by the President, one of whom he designates as chairman. The Authority shall provide the services and staff assistance needed by the Panel.

(b) The Panel may consider negotiation impasses as provided in section 17 of this Order and may take any action it considers necessary to settle an impasse.

(c) The Panel shall prescribe regulations needed to administer its function under this Order.

[Sec. 5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 6. Powers and Duties of the Office of the General Counsel and the Assistant Secretary of Labor for Labor-Management Relations.

(a) The General Counsel is authorized, upon direction by the Authority, to:

(1) investigate complaints of violations of Section 19 of this Order;

(2) make final decisions as to whether to issue unfair labor practice complaints and prosecute such complaints before the Authority;

(3) direct and supervise all employees in the Office of General Counsel, including employees of the General Counsel in the regional office of the Authority;

(4) perform such other duties as the Authority may prescribe; and

(5) prescribe regulations needed to administer his functions under this Order.

(b) The Assistant Secretary shall:

(1) decide alleged violations of the standards of conduct for labor organizations, established in Section 18 of this Order; and

(2) prescribe regulations needed to administer his functions under this Order.

(c) In any matter arising under paragraph (b) of this Section, the Assistant Secretary may require a labor organization to cease and desist from violations of this Order and require it to take such affirmative action as he considers appropriate to effectuate the policies of this Order.

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(d) in performing the duties imposed on them by this Section, the General Counsel and the Assistant Secretary may request and use the services and assistance of employees of other agencies in accordance with Section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686).

[Sec. 6 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

RECOGNITION

SEC. 7. *Recognition in general.* (a) An agency shall accord exclusive recognition or national consultation rights at the request of a labor organization which meets the requirements for the recognition or consultation rights under this Order.

(b) A labor organization seeking recognition shall submit to the agency a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of its objectives.

(c) When recognition of a labor organization has been accorded, the recognition continues as long as the organization continues to meet the requirements of this Order applicable to that recognition, except that this section does not require an election to determine whether an organization should become, or continue to be recognized as exclusive representative of the employees in any unit or subdivision thereof within 12 months after a prior valid election with respect to such unit.

(d) Recognition of a labor organization does not—

(1) preclude an employee, regardless of whether he is in a unit of exclusive recognition, from exercising grievance or appellate rights established by law or regulation, or from choosing his own representative in a grievance or appellate action, except when the grievance is covered under a negotiated procedure as provided in section 13;

(2) preclude or restrict consultations and dealings between an agency and a veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings under subparagraph (3) of this paragraph shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy covering employees in that unit or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

(e) [Revoked]

(f) Informal recognition or formal recognition shall not be accorded.

[Sec. 7 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605; EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957]

SEC. 8. *Formal Recognition.* [Revoked]

[Sec. 8 revoked by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605]

SEC. 9. *National consultation rights.* (a) An agency shall accord national consultation rights to a labor organization which qualifies under

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criteria established by the Federal Labor Relations Authority as the representative of a substantial number of employees of the agency. National consultation rights shall not be accorded for any unit where a labor organization already holds exclusive recognition at the national level for that unit. The granting of national consultation rights does not preclude an agency from appropriate dealings at the national level with other organizations on matters affecting their members. An agency shall terminate national consultation rights when the labor organization ceases to qualify under the established criteria.

(b) When a labor organization has been accorded national consultation rights, the agency, through appropriate officials, shall notify representatives of the organization of proposed substantive changes in personnel policies that affect employees it represents and provide an opportunity for the organization to comment on the proposed changes. The labor organization may suggest changes in the agency's personnel policies and have its views carefully considered. It may consult in person at reasonable times, on request, with appropriate officials on personnel policy matters, and at all times present its views thereon in writing. An agency is not required to consult with a labor organization on any matter on which it would not be required to meet and confer if the organization were entitled to exclusive recognition.

(c) Questions as to the eligibility of labor organizations for national consultation rights may be referred to the Authority for decision.

[Sec. 9 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 10. *Exclusive recognition.* (a) An agency shall accord exclusive recognition to a labor organization when the organization has been selected, in a secret ballot election, by a majority of the employees in an appropriate unit as their representative; provided that this section shall not preclude an agency from according exclusive recognition to a labor organization, without an election, where the appropriate unit is established through the consolidation of existing exclusively recognized units represented by that organization.

(b) A unit may be established on a plant or installation, craft, functional, or other basis which will ensure a clear and identifiable community of interest among the employees concerned and will promote effective dealings and efficiency of agency operations. A unit shall not be established solely on the basis of the extent to which employees in the proposed unit have organized, nor shall a unit be established if it includes—

(1) any management official or supervisor, except as provided in section 24;

(2) an employee engaged in Federal personnel work in other than a purely clerical capacity; or

(3) [Revoked]

(4) both professional and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. Questions as to the appropriate unit and related issues may be referred to the Authority for decision.

(c) [Revoked]

(d) All elections shall be conducted under the supervision of the Authority, or persons designated by it, and shall be by secret ballot. Each

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employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union', except as provided in subparagraph (4) of this paragraph. Elections may be held to determine whether—

(1) a labor organization should be recognized as the exclusive representative of employees in a unit;

(2) a labor organization should replace another labor organization as the exclusive representative;

(3) a labor organization should cease to be the exclusive representative; or

(4) a labor organization should be recognized as the exclusive representative of employees in a unit composed of employees in units currently represented by that labor organization or continue to be recognized in the existing separate units.

(e) When a labor organization has been accorded exclusive recognition, it is the exclusive representative of employees in the unit and is entitled to act for and to negotiate agreements covering all employees in the unit. It is responsible for representing the interests of all employees in the unit without discrimination and without regard to labor organization membership. The labor organization shall be given the opportunity to be represented at formal discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the unit.

[Sec. 10 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 11. *Negotiation of agreements.* (a) An agency and a labor organization that has been accorded exclusive recognition, through appropriate representatives, shall meet at reasonable times and confer in good faith with respect to personnel policies and practices and matters affecting working conditions, so far as may be appropriate under applicable laws and regulations, including policies set forth in the Federal Personnel Manual; published agency policies and regulations for which a compelling need exists under criteria established by the Federal Labor Relations Authority and which are issued at the agency headquarters level or at the level of a primary national subdivision; a national or other controlling agreement at a higher level in the agency; and this order. They may negotiate an agreement, or any question arising thereunder; determine appropriate techniques, consistent with section 17 of this order, to assist in such negotiation; and execute a written agreement or memorandum of understanding.

(b) In prescribing regulations relating to personnel policies and practices and working conditions, an agency shall have due regard for the obligation imposed by paragraph (a) of this section. However, the obligation to meet and confer does not include matters with respect to the mission of an agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. This does not preclude the parties from negotiating agreements providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

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(c) If, in connection with negotiations, an issue develops as to whether a proposal is contrary to law, regulation, controlling agreement, or this order and therefore not negotiable, it shall be resolved as follows:

(1) An issue which involves interpretation of a controlling agreement at a higher agency level is resolved under the procedures of the controlling agreement, or, if none, under agency regulations;

(2) An issue other than as described in subparagraph (1) of this paragraph which arises at a local level may be referred by either party to the head of the agency for determination;

(3) An agency head's determination as to the interpretation of the agency's regulations with respect to a proposal is final;

(4) A labor organization may appeal to the Authority for a decision when—

(i) it disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or this order, or

(ii) it believes that an agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or this order, or are not otherwise applicable to bar negotiations under paragraph (a) of this section.

[Sec. 11 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 10555, 3 CFR, 1978 Comp., p. 264]

SEC. 12. Basic provisions of agreements. Each agreement between an agency and a labor organization is subject to the following requirements—

(a) in the administration of all matters covered by the agreement, officials and employees are governed by existing or future laws and the regulations of appropriate authorities, including policies set forth in the Federal Personnel Manual; by published agency policies and regulations in existence at the time the agreement was approved; and by subsequently published agency policies and regulations required by law or by the regulations of appropriate authorities, or authorized by the terms of a controlling agreement at a higher agency level;

(b) management officials of the agency retain the right, in accordance with applicable laws and regulations—

(1) to direct employees of the agency;

(2) to hire, promote, transfer, assign, and retain employees in positions within the agency, and to suspend, demote, discharge, or take other disciplinary action against employees;

(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the Government operations entrusted to them;

(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

(6) to take whatever actions may be necessary to carry out the mission of the agency in situations of emergency; and

(c) nothing in the agreement shall require an employee to become or to remain a member of a labor organization, or to pay money to the organization except pursuant to a voluntary, written authorization by a member for the payment of dues through payroll deductions. The requirements of this section shall be expressly stated in the initial or basic

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agreement and apply to all supplemental, implementing, subsidiary, or informal agreements between the agency and the organization.

SEC. 13. *Grievance and arbitration procedures.* (a) An agreement between an agency and a labor organization shall provide a procedure, applicable only to the unit, for the consideration of grievances. The coverage and scope of the procedure shall be negotiated by the parties to the agreement with the exception that it may not cover matters for which a statutory appeal procedure exists and so long as it does not otherwise conflict with statute or this order. It shall be the exclusive procedure available to the parties and the employees in the unit for resolving grievances which fall within its coverage. However, any employee or group of employees in the unit may present such grievances to the agency and have them adjusted, without the intervention of the exclusive representative, as long as the adjustment is not inconsistent with the terms of the agreement and the exclusive representative has been given opportunity to be present at the adjustment.

(b) A negotiated procedure may provide for arbitration of grievances. Arbitration may be invoked only by the agency or the exclusive representative. Either party may file exceptions to an arbitrator's award with the Authority, under regulations prescribed by the Authority.

(c) [Revoked]

(d) Questions that cannot be resolved by the parties as to whether or not a grievance is on a matter for which a statutory appeal procedure exists, shall be referred to the Authority for decision. Other questions as to whether or not a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, may by agreement of the parties be submitted to arbitration or may be referred to the Authority for decision.

[Sec. 13 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 14. *Arbitration of grievances.* [Revoked]

[Sec. 14 revoked by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605]

SEC. 15. *Approval of agreements.* An agreement with a labor organization as the exclusive representative of employees in a unit is subject to the approval of the head of the agency or an official designated by him. An agreement shall be approved within forty-five days from the date of its execution if it conforms to applicable laws, the order, existing published agency policies and regulations (unless the agency has granted an exception to a policy or regulation) and regulations of other appropriate authorities. An agreement which has not been approved or disapproved within forty-five days from the date of its execution shall go into effect without the required approval of the agency head and shall be binding on the parties subject to the provisions of law, the order and the regulations of appropriate authorities outside the agency. A local agreement subject to a national or other controlling agreement at a higher level shall be approved under the procedures of the controlling agreement, or, if none, under agency regulations.

[Sec. 15 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957]

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NEGOTIATION DISPUTES AND IMPASSES

SEC. 16. *Negotiation disputes.* The Federal Mediation and Conciliation Service shall provide services and assistance to Federal agencies and labor organizations in the resolution of negotiation disputes. The Service shall determine under what circumstances and in what manner it shall proffer its services.

SEC. 17. *Negotiation impasses.* When voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or other third-party mediation, fail to resolve a negotiation impasse, either party may request the Federal Service Impasses Panel to consider the matter. The Panel, in its discretion and under the regulations it prescribes, may consider the matter and may recommend procedures to the parties for the resolution of the impasse or may settle the impasse by appropriate action. Arbitration or third-party fact finding with recommendations to assist in the resolution of an impasse may be used by the parties only when authorized or directed by the Panel.

CONDUCT OF LABOR ORGANIZATIONS AND MANAGEMENT

SEC. 18. *Standards of conduct for labor organizations.*

(a) An agency shall accord recognition only to a labor organization that is free from corrupt influences and influences opposed to basic democratic principles. Except as provided in paragraph (b) of this section, an organization is not required to prove that it has the required freedom when it is subject to governing requirements adopted by the organization or by a national or international labor organization or federation of labor organizations with which it is affiliated or in which it participates, containing explicit and detailed provisions to which it subscribes calling for—

(1) the maintenance of democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participation in the affairs of the organization, to fair and equal treatment under the governing rules of the organization, and to fair process in disciplinary proceedings;

(2) the exclusion from office in the organization of persons affiliated with Communist or other totalitarian movements and persons identified with corrupt influences;

(3) the prohibition of business or financial interests on the part of organization officers and agents which conflict with their duty to the organization and its members; and

(4) the maintenance of fiscal integrity in the conduct of the affairs of the organization, including provision for accounting and financial controls and regular financial reports or summaries to be made available to members.

(b) Notwithstanding the fact that a labor organization has adopted or subscribed to standards of conduct as provided in paragraph (a) of this section, the organization is required to furnish evidence of its freedom from corrupt influences or influences opposed to basic democratic principles when there is reasonable cause to believe that—

(1) the organization has been suspended or expelled from or is subject to other sanction by a parent labor organization or federation of organi-

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zations with which it had been affiliated because it has demonstrated an unwillingness or inability to comply with governing requirements comparable in purpose to those required by paragraph (a) of this section; or

(2) the organization is in fact subject to influences that would preclude recognition under this Order.

(c) A labor organization which has or seeks recognition as a representative of employees under this Order shall file financial and other reports, provide for bonding of officials and employees of the organization, and comply with trusteeship and election standards.

(d) The Assistant Secretary shall prescribe the regulations needed to effectuate this section. These regulations shall conform generally to the principles applied to unions in the private sector. Complaints of violations of this section shall be filed with the Assistant Secretary.

SEC. 19. *Unfair labor practices.* (a) Agency management shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of the rights assured by this Order;

(2) encourage or discourage membership in a labor organization by discrimination in regard to hiring, tenure, promotion, or other conditions of employment;

(3) sponsor, control, or otherwise assist a labor organization, except that an agency may furnish customary and routine services and facilities under section 23 of this Order when consistent with the best interests of the agency, its employees, and the organization, and when the services and facilities are furnished, if requested, on an impartial basis to organizations having equivalent status;

(4) discipline or otherwise discriminate against an employee because he has filed a complaint or given testimony under this Order;

(5) refuse to accord appropriate recognition to a labor organization qualified for such recognition; or

(6) refuse to consult, confer, or negotiate with a labor organization as required by this Order.

(b) A labor organization shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of his rights assured by this Order;

(2) attempt to induce agency management to coerce an employee in the exercise of his rights under this Order;

(3) coerce, attempt to coerce, or discipline, fine, or take other economic sanction against a member of the organization as punishment or reprisal for, or for the purpose of hindering or impeding his work performance, his productivity, or the discharge of his duties owed as an officer or employee of the United States;

(4) call or engage in a strike, work stoppage, or slowdown; picket an agency in a labor-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it;

(5) discriminate against an employee with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin; or

(6) refuse to consult, confer, or negotiate with an agency as required by this Order.

(c) A labor organization which is accorded exclusive recognition shall not deny membership to any employee in the appropriate unit except for failure to meet reasonable occupational standards uniformly required for admission, or for failure to tender initiation fees and dues

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uniformly required as a condition of acquiring and retaining membership. This paragraph does not preclude a labor organization from enforcing discipline in accordance with procedures under its constitution or by-laws which conform to the requirements of this Order.

(d) Issues which can properly be raised under an appeals procedure may not be raised under this section. Issues which can be raised under a grievance procedure may, in the discretion of the aggrieved party, be raised under that procedure or the complaint procedure under this section, but not under both procedures. Appeals or grievance decisions shall not be construed as unfair labor practice decisions under this Order nor as precedent for such decisions. All complaints under this section that cannot be resolved by the parties shall be filed with the Authority.

[Sec. 19 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 20. *Use of official time.* Solicitation of membership or dues, and other internal business of a labor organization, shall be conducted during the non-duty hours of the employees concerned. Employees who represent a recognized labor organization shall not be on official time when negotiating an agreement with agency management, except to the extent that the negotiating parties agree to other arrangements which may provide that the agency will either authorize official time for up to 40 hours or authorize up to one-half the time spent in negotiations during regular working hours, for a reasonable number of employees, which number normally shall not exceed the number of management representatives.

[Sec. 20 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605]

SEC. 21. *Allotment of dues.* (a) When a labor organization holds exclusive recognition, and the agency and the organization agree in writing to this course of action, an agency may deduct the regular and periodic dues of the organization from the pay of members of the organization in the unit of recognition who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Office of Personnel Management, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when—

(1) the dues withholding agreement between the agency and the labor organization is terminated or ceases to be applicable to the employee; or

(2) the employee has been suspended or expelled from the labor organization.

[Sec. 21 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605; EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 22. *Adverse action appeals.* The head of each agency, in accordance with the provisions of this Order and regulations prescribed by the Office of Personnel Management, shall extend to all employees in the competitive civil service rights identical in adverse action cases to those provided preference eligibles under sections 7511-7512 of title 5 of the United States Code. Each employee in the competitive service shall

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have the right to appeal to the Merit Systems Protection Board from an adverse decision of the administrative officer so acting, such appeal to be processed in an identical manner to that provided for appeals under section 7701 of title 5 of the United States Code. Any recommendation by the Merit Systems Protection Board submitted to the head of an agency on the basis of an appeal by an employee in the competitive service shall be complied with by the head of the agency.

[Sec. 22 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 23. Agency implementation. No later than April 1, 1970, each agency shall issue appropriate policies and regulations consistent with this Order for its implementation. This includes but is not limited to a clear statement of the rights of its employees under this Order; procedures with respect to recognition of labor organizations, determination of appropriate units, consultation and negotiation with labor organizations, approval of agreements, mediation, and impasse resolution; policies with respect to the use of agency facilities by labor organizations; and policies and practices regarding consultation with other organizations and associations and individual employees. Insofar as practicable, agencies shall consult with representatives of labor organizations in the formulation of these policies and regulations.

[Sec. 23 amended by EO 11838 of Feb. 6, 1975, 40 FR 5743, 7391, 3 CFR, 1971-1975 Comp., p. 957]

SEC. 24. Savings clauses. This Order does not preclude—

(1) the renewal or continuation of a lawful agreement between an agency and a representative of its employees entered into before the effective date of Executive Order No. 10988 (January 17, 1962); or

(2) the renewal, continuation, or initial according of recognition for units of management officials or supervisors represented by labor organizations which historically or traditionally represent the management officials or supervisors in private industry and which hold exclusive recognition for units of such officials or supervisors in any agency on the date of this Order.

[Sec. 24 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605]

SEC. 25. Guidance, training, review and information.

(a) The Office of Personnel Management, in conjunction with the Director of the Office of Management and Budget, shall establish and maintain a program for the policy guidance of agencies on labor-management relations in the Federal service and shall periodically review the implementation of these policies. The Office of Personnel Management shall be responsible for the day-to-day policy guidance under that program. The Office of Personnel Management also shall continuously review the operation of the Federal labor-management relations program to assist in assuring adherence to its provisions and merit system requirements; implement technical advice and information programs for the agencies; assist in the development of programs for training agency personnel and management officials in labor-management relations; and, from time to time, report to the Authority on the state of the program with any recommendations for its improvement.

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(b) The Office of Personnel Management shall develop programs for the collection and dissemination of information appropriate to the needs of agencies, organizations and the public.

[Sec. 25 amended by EO 11616 of Aug. 26, 1971, 36 FR 17319, 3 CFR, 1971-1975 Comp., p. 605; EO 12027 of Dec. 5, 1977, 42 FR 61851, 3 CFR, 1977 Comp., p. 159; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 26. *Effective date.* This Order is effective on January 1, 1970 except sections 7(f) and 8 which are effective immediately. Effective January 1, 1970, Executive Order No. 10988 and the President's Memorandum of May 21, 1963, entitled Standards of Conduct for Employee Organizations and Code of Fair Labor Practices, are revoked.

EDITORIAL NOTE: The amendments to Executive Order 11491 made by Executive Order 11838 were effective 90 days from Feb. 6, 1975, except that the amendments to sections 11(a) and 11(c) were effective Dec. 23, 1975.

Executive Order 11552—Providing for details and transfers of Federal employees to international organizations

SOURCE: The provisions of Executive Order 11552 of Aug. 24, 1970, appear at 35 FR 13569, 3 CFR, 1966-1973 Comp., p. 954, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 and section 3584 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Leadership and coordination.* The Secretary of State shall provide leadership and coordination for the effort of the Federal Government to increase and improve its participation in international organizations through transfers and details of well-qualified Federal employees, and shall develop policies, procedures, and programs consistent with this order to advance and encourage such participation.

SEC. 2. *Federal agency cooperation.* Each agency in the executive branch of the Federal Government shall to the maximum extent feasible and with due regard to its manpower requirements assist and encourage details and transfers of employees to international organizations by observing the following policies and procedures:

(1) Vacancies in international organizations shall be brought to the notice of well-qualified agency employees whose abilities and levels of responsibility in the Federal service are commensurate with those required to fill such vacancies.

(2) Subject to prior approval of his agency, no leave shall be charged an employee who is absent for a maximum of three days for interview for a proposed detail or transfer at the formal request of an international organization or a Federal official; an agency may approve official travel for necessary travel within the United States in connection with such an interview.

(3) An agency, upon request of an appropriate authority, shall provide international organizations with detailed assessments of the technical or professional qualifications of individual employees being formally considered for details and transfers to specific positions.

(4) Upon return of an employee to his agency, the agency shall give due consideration to the employee's overall qualifications, including those which may have been acquired during his service with the inter-

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national organization, in determining the position and grade in which he is reemployed.

SEC. 3. *Delegations.* (a) Except as otherwise provided in this order, there is hereby delegated to the Office of Personnel Management the authority vested in the President by sections 3582(b) and 3584 of title 5, United States Code.

(b) The following are hereby delegated to the Secretary of State:

(1) The authority vested in the President by sections 3343 and 3581 of title 5, United States Code, to determine whether it is in the national interest to extend a detail or transfer of an employee beyond five years.

(2) The authority vested in the President by section 3582(b) of title 5, United States Code, to define and specify "pay, allowances, post differential, and other monetary benefits" to be paid by the agency upon reemployment, disability, or death.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. *Revocation.* Executive Order No. 10804 of February 12, 1959, is hereby revoked.

Executive Order 11561—Delegation of certain authority under title VIII of the Economic Opportunity Act

SOURCE: The provisions of Executive Order 11561 of Sept. 25, 1970, appear at 35 FR 14981, 3 CFR, 1966-1970 Comp., p. 970, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the authority conferred upon the President by that portion of section 833(c)(2) of the Economic Opportunity Act of 1964 (42 U.S.C. 2994b(c)(2)) which reads "except as otherwise determined by the President" is hereby delegated as follows: (1) To the Office of Personnel Management to the extent that such authority is with respect to the laws administered by the Office, and (2) to the Secretary of State to the extent that such authority is with respect to the Foreign Service Act of 1980, as amended.

[EO 11561 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11582—Observance of holidays by Government agencies

SOURCE: The provisions of Executive Order 11582 of Feb. 11, 1971, appear at 36 FR 2957, 3 CFR, 1971-1975 Comp., p. 539, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in section 7, this order shall apply to all executive departments, independent agencies, and Government corporations, including their field services.

SEC. 2. As used in this order:

(a) *Holiday* means the first day of January, the third Monday of February, the last Monday of May, the fourth day of July, the first Monday of September, the second Monday of October, the fourth

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Monday of October,¹ the fourth Thursday of November, the twenty-fifth day of December, or any other calendar day designated as a holiday by Federal statute or Executive order.²

(b) *Workday* means those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not.

SEC. 3. (a) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(b) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been administratively scheduled as his *regular* weekly nonworkday in lieu of Sunday.

SEC. 4. The holiday for a full-time employee for whom the head of a department has established the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as his basic workweek because of the impracticability of prescribing a regular schedule of definite hours of duty for each workday, shall be determined as follows:

(a) If a holiday occurs on Sunday, the head of the department shall designate in advance either Sunday or Monday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee's holiday.

(b) If a holiday occurs on Saturday, the head of the department shall designate in advance either the Saturday or the preceding Friday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee's holiday.

(c) If a holiday occurs on any other day of the week, that day shall be the employee's holiday, and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on that day.

(d) When a holiday is less than a full day, proportionate credit will be given under paragraph (a), (b), or (c) of this section.

SEC. 5. Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day.

SEC. 6. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 3, 4, and 5 shall be treated as holidays in lieu of the corresponding calendar holidays.

SEC. 7. The provisions of this order shall apply to officers and employees of the Post Office Department and the United States Postal

¹ EDITORIAL NOTE: The observance of Veterans Day was changed to November 11 by Pub. L. 94-97 (89 Stat. 479, 5 U.S.C. 6103), effective Jan. 1, 1978.

² EDITORIAL NOTE: The birthday of Martin Luther King, Jr., was made a legal public holiday by Pub. L. 98-144 (97 Stat. 917, 5 U.S.C. 6103 nt.) and is observed on the third Monday in January.

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Service (except that sections 3, 4, 5, and 6 shall not apply to the Postal Field Service) until changed by the Postal Service in accordance with the Postal Reorganization Act.

SEC. 8. Executive Order No. 10358 of June 9, 1952, entitled *Observance of Holidays by Government Agencies*, and amendatory Executive Orders No. 11226 of May 27, 1965, and No. 11272 of February 23, 1966, are revoked.

SEC. 9. This order is effective as of January 1, 1971.

Executive Order 11589—Delegating to the Office of Personnel Management certain authorities of the President under the Intergovernmental Personnel Act of 1970 and the Federal Civil Defense Act of 1950

SOURCE: The provisions of Executive Order 11589 of Apr. 1, 1971, appear at 36 FR 6343, 3 CFR, 1971-1975 Comp., p. 557, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Office of Personnel Management is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(a) The authority of the President under section 3376 of title 5 of the United States Code to prescribe regulations for the administration of subchapter VI, "Assignments to and from States," of Chapter 33 of that title.

(b) The authority of the President under section 205(a)(4) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2286(a)(4)) and as affected by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), relating to the establishment and maintenance of personnel standards on the merit basis.

[Title and sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. To the extent that section 1(b) of this order is inconsistent with the provisions of Executive Order No. 10952 of July 20, 1961, as amended, section 1(b) shall control.

Executive Order 11639—Providing for pay adjustments for Federal prevailing rate systems

SOURCE: The provisions of Executive Order 11639 of Jan. 11, 1972, appear at 37 FR 521, 3 CFR, 1971-1975 Comp., p. 652, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743), it is hereby ordered as follows:

SECTION 1. The head of each executive agency or military department authorized to fix by administrative action the rate of basic pay for a position or employee under subchapter IV of chapter 53 of title 5 of the United States Code, shall fix any such rate in accordance with in-

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structions issued by the Office of Personnel Management (hereinafter referred to as the Office) under the authority of this order.

SEC. 2. (a) The Office is hereby authorized and directed to issue to the heads of executive agencies and military departments instructions on the fixing of rates of basic pay for positions and employees covered by section 1 of this order.

(b) In issuing instructions under this order, the Office shall maintain consistency in each pay schedule adjustment with the fiscal and economic policies of the United States, including the policies and pay increase guidelines issued by the Pay Board¹ established under Executive Order No. 11627 of October 15, 1971. No pay schedule adjustment shall exceed such guidelines, except where (i) a tandem relationship exists between a Federal pay schedule for a specialized employee unit and pay increases granted in a specialized activity in the private sector, (ii) the Pay Board has permitted a pay increase for the specialized activity in the private sector which is in excess of the guidelines, and (iii) it is determined that a comparable increase is essential to the continued operation of the Government service concerned.

SEC. 3. The instructions issued by the Office under this order may (i) prescribe definitions of the terms used herein, (ii) redelegate to the head of an executive agency or military department any of the Office's authority under this order, and (iii) contain such other provisions as the Office determines to be necessary and appropriate to carry out the purposes of this order.

SEC. 4. (a) The Office may, in administering this order, utilize such services of other executive agencies and military departments as may be available and appropriate.

(b) On request of the Office, an executive agency or military department is authorized and directed, consistent with law, to furnish the Office with information which the Office may require in carrying out its responsibilities under this order.

[EO 11639 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11721—Providing for Federal pay administration

SOURCE: The provisions of Executive Order 11721 of May 23, 1973, appear at 38 FR 13717, 3 CFR, 1971-1975 Comp., p. 770, unless otherwise noted.

By virtue of the authority vested in me by sections 5303, 5304, and 5305 of title 5, United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—GENERAL POLICY

SECTION 101. Heads of agencies are directed:

(a) To make full use of the authorities in chapter 53 of title 5, United States Code, and the statutory pay systems to which section 5301 of that chapter refers to secure and maintain the high quality of Federal personnel necessary for an effective and efficient Government service;

¹ EDITORIAL NOTE: Abolished by Executive Order 11695 of Jan. 11, 1973, 38 FR 1473, 3 CFR, 1971-1975 Comp., p. 741.

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(b) To use these authorities to (1) motivate employees to perform continuously at their full capacity, and (2) provide fair treatment in pay matters of all employees subject to the statutory pay systems; and

(c) To take appropriate measures to ensure that the Government receives full value for its expenditures for salaries and that every employee is paid no more than is warranted by the nature of his assignments and the degree of competence with which he performs them.

SEC. 102. As used in this order, the term "agency" has the meaning given to it by section 5102(a) of title 5, United States Code.

PART II—ANNUAL PAY REVIEW

SEC. 201. The Secretary of Labor, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management are hereby designated to serve jointly as the President's agent under section 5305 of title 5, United States Code, and shall be known in this capacity as the President's Pay Agent.

[Sec. 201 amended by EO 12004 of July 20, 1977, 42 FR 37527, 3 CFR, 1977 Comp., p. 138; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 202. The head of each agency employing personnel under the statutory pay systems (as defined in section 5301(c) of title 5, United States Code) shall provide such information and technical assistance with respect to the statutory pay systems applicable to his agency as may be requested by the President's agent in carrying out the provisions of section 5305 of title 5, United States Code.

SEC. 203. The following agencies are designated under section 5305(q) of title 5, United States Code, to prescribe the rules necessary to convert the rates of basic pay or salaries of officers and employees to the new pay rates as adjusted for each statutory pay system under section 5305 of title 5, United States Code:

- (i) General Schedule—the Office of Personnel Management;
- (ii) Foreign Service schedules—the Department of State;
- (iii) Schedules for the Department of Medicine and Surgery of the Veterans Administration—the Veterans Administration.

[Sec. 203 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 204. (a) The Advisory Committee on Federal Pay shall advise the President of its own opinion on any unresolved issues referred to it by the President's Pay Agent or the Federal Employees Pay Council. The Advisory Committee shall inform the President's Pay Agent and the Federal Employees Pay Council of its opinion on such issues as soon as practicable. To facilitate the exercise of this authority and the early resolution of such issues, the Advisory Committee shall attend, or be represented at, meetings between the President's Pay Agent and the Federal Employees Pay Council, and moderate and direct the discussion.

(b) The President's Pay Agent, in its annual report to the President pursuant to section 5305 of title 5, United States Code, shall include a full discussion of each issue upon which the Advisory Committee has submitted, in accordance with subsection (a), an opinion.

[Sec. 204 added by EO 12004 of July 20, 1977, 42 FR 37527, 3 CFR, 1977 Comp., p. 138]

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PART III—SPECIAL RATES FOR RECRUITMENT AND RETENTION

SEC. 301 (a). The Office of Personnel Management is hereby designated to exercise—

(1) the authority of the President under section 5303(a) and (b) of title 5, United States Code, to establish or revise higher minimum rates of pay, and

(2) the authority of the President under section 5303(d) of title 5, United States Code, to prescribe conversion rules for adjusting an employee's pay.

(b) Before exercising these functions for positions compensated under the Foreign Service schedules or under the schedules for physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration, the Office of Personnel Management shall consult with the head of the agency concerned.

[Sec. 301 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 302. (a) Before establishing higher rates of pay under section 5303(a) of title 5, United States Code, the Office of Personnel Management shall consider whether—

(1) an adequate recruiting program has been implemented and that attention has been given to the improvement of working conditions and to other relevant factors; and

(2) adequate recruitment or retention cannot be achieved by alternate means such as job redesign or skills improvement training programs.

(b) The Office of Personnel Management may not establish higher rates for all positions in a statutory grade or level in a given area unless the Office determines that adequate recruitment and retention cannot be achieved by establishment of higher rates for certain occupations or groups of occupations.

[Sec. 302 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 303. The Office of Personnel Management shall review, at least annually, higher rates of pay established under section 5303(a) of title 5, United States Code, and shall continue, abolish, or revise the higher rates in consideration of the facts and pertinent criteria under the law and this order.

[Sec. 303 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 304. An employee's basic pay rate may not be reduced solely because of a revision to, or cancellation of, the higher rates established under section 5303(a) of title 5, United States Code.

PART IV—GENERAL SCHEDULE SYSTEM

SEC. 401. (a) Heads of agencies shall ensure that agency managers and supervisors at all levels use the position classification plan of the General Schedule system as a tool for effective and efficient human resources utilization.

(b) The Office of Personnel Management shall revoke the position classification authority of an agency under the General Schedule when—

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ever the Office finds, in connection with its regular evaluation, or otherwise, that an agency has failed to classify its positions in accordance with or consistently with applicable standards.

[Sec. 401 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 402. The Office of Personnel Management shall issue such regulations and standards as may be necessary to ensure that only those employees whose work is of an acceptable level of competence receive periodic step-increases under the provisions of section 5335 of title 5, United States Code.

[Sec. 402 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 403. (a) The Office of Personnel Management shall require each agency employing personnel under the General Schedule to establish a plan for granting additional step-increases in recognition of high quality performance under section 5336 of title 5, United States Code, and shall require that the plans (1) be as simple as practicable, (2) provide for delegation of authority to an appropriate management level, (3) seek to ensure fairness to all employees, and (4) provide for informing employees, at least annually, of the number of additional step-increases granted in their agencies.

(b) The Office of Personnel Management shall (1) establish such regulations and standards as it deems appropriate for agency plans, (2) aid and advise agencies in the formulation and administration of the plans, and (3) evaluate the plans and their operation to ensure that step-increases are granted in a manner that is fair to employees and provides motivation for high quality performance.

[Sec. 403 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 404. The Office of Personnel Management, in prescribing regulations for higher rates of pay under section 5333(b) of title 5, United States Code, for employees having responsibility for supervision of prevailing-rate employees, shall give effect to the following:

(a) An irregular prevailing rate (such as the saved rate of a prevailing-rate employee not related to his current position) shall not serve to advance the pay rate of a supervisor under the General Schedule.

(b) The relative rate-range of a General Schedule supervisor and a prevailing-rate employee supervised by him shall be considered as well as the specific rate either is receiving at a given time.

(c) Due consideration shall be given to equities among General Schedule supervisors as well as those between a General Schedule supervisor and a prevailing-rate employee supervised by him.

[Sec. 404 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

PART V—PRIOR ORDER SUPERSEDED

SEC. 501. Executive Order 11073 of January 2, 1963, and Executive Order 11173 of August 20, 1964, are hereby superseded.

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Executive Order 11744—Cost-of-living allowance provided to employees of the Joint Federal-State Land Use Planning Commission for Alaska

SOURCE: The provisions of Executive Order 11744 of Oct. 24, 1973, appear at 38 FR 563, 3 CFR, 1971-1975 Comp., p. 816, unless otherwise noted.

The Joint Federal-State Land Use Planning Commission for Alaska hereinafter referred to as "the Commission") was established in the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 85 Stat. 688 which is hereinafter referred to as "the Act") to render advice to the Federal Government and the government of the State of Alaska with respect to the planning, ownership, use, and management of lands located in the State of Alaska. Section 17(a)(5) of the Act provides that Commission employees may be hired

• • • without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates • • •

and gives the Federal and State co-chairmen the authority "to appoint and fix the compensation of such staff personnel as they deem necessary."

Pursuant to this authority, Jack O. Horton, then Federal Co-Chairman, and Governor William A. Egan, State Co-Chairman, agreed prior to the hiring of the first Commission employee that all such employees should be compensated in accordance with the pay scale for General Schedule Federal employees and should receive a cost-of-living allowance (hereinafter referred to as "COLA") identical to that provided other General Schedule employees serving in Alaska, said agreement being formalized in a regulation initially released on October 24, 1972, and subsequently amended to read as follows:

"4.4 Compensation of Staff.

(a) Employees of the Commission shall be paid at a GS rate of salary determined for their respective positions by the co-chairmen and/or Director; and shall be entitled to receive a twenty-five (25%) percent living cost differential in addition to the base rate of salary which shall be accounted for separately from the base salary.

(b) Employees of the Commission shall also be entitled to obtain and receive all insurance, leave, retirement, and other benefits available to Federal employees in Alaska."

With respect to the Federal taxation of this allowance, 26 U.S.C. Section 912 provides in relevant part:

"The following items shall not be included in gross income, and shall be exempt from taxation under this subtitle:

• • • • •
(2) Cost-of-living allowances.—In the case of civilian officers or employees of the Government of the United States stationed outside the continental United States (other than Alaska), amounts (other than amounts received under title II of the Overseas Differentials and Allowances Act) received as cost-of-living allowances in accordance with regulations approved by the President,"

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In an opinion dated April 27, 1973, the Internal Revenue Service held that employees hired by the Commission are Federal employees within the meaning of 26 U.S.C. Section 912(2) but concluded for the reasons set out below that the COLA provided to them pursuant to Commission Regulation 4.4 is subject to Federal taxation.

NOW, THEREFORE, by virtue of the authority vested in me by 26 U.S.C. Section 912(2) and for the reasons set out below, I hereby approve Commission Regulation 4.4 subject to the qualifications and limitations provided in the next two sentences. Said approval shall be retroactive to the date when the first Commission employee was hired, shall apply only to the COLA paid Commission employees actually serving in Alaska, and shall remain in effect as long as: (a) the pay scale for Commission personnel corresponds exactly to that applicable to General Schedule Federal employees; (b) that portion of Regulation 4.4 which deals with the payment of COLA remains effective in substantially its present form; and (c) COLA is provided pursuant to Executive Order No. 10000 of September 16, 1948, entitled "Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States," to General Schedule Federal employees serving in Alaska. Except where expressly inconsistent with this order, the requirements of Executive Order No. 10000 shall govern the payment of COLA granted to Commission employees.

This order is based on the following findings and conclusions:

1. Pursuant to Executive Order No. 10000, the Office of Personnel Management has been delegated the authority granted to the President in 5 U.S.C. Section 5941 to designate areas outside the contiguous forty-eight states where certain Federal employees are entitled to receive COLA to compensate them, among other things, for living costs which are substantially higher than those in the District of Columbia. In accordance with this authority, the Office has designated Alaska as a location where General Schedule employees are to be paid a 25 percent COLA. Under 26 U.S.C. Section 912(2), this allowance is exempt from Federal taxation.

[Para. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

2. Pursuant to the authority granted in Section 17(a)(5) of the Act, the Office, with the approval of the co-chairmen, has promulgated a valid regulation authorizing the provision of the same COLA to Commission employees serving in Alaska that is paid to General Schedule employees serving there.

[Para. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

3. The Bureau of Land Management of the United States Department of the Interior, which provides administrative support to the Commission, accounts for the COLA paid to Commission employees in accordance with Government practices customarily utilized in Alaska for such purposes.

4. The Office, with the approval of the co-chairmen, has agreed upon a pay scale for compensating staff personnel which corresponds exactly to that enacted by Congress for compensating General Schedule Federal employees.

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Para. 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. [4]

5. Since the appointment and compensation of Commission employees are expressly exempted from the Civil Service laws by Section (a)(5) of the Act, the COLA provided to such personnel is not subject to the approval of the Office of Personnel Management under Executive Order No. 10000, which, in accordance with 5 U.S.C. Section 5941, applies only to employees whose rates of basic pay are fixed by statute. For this reason, the Internal Revenue Service has ruled that such COLA is subject to Federal income taxation as not having been paid in accordance with regulations approved by the President as required by 26 U.S.C. Section 912(2).

Para. 5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. [4]

6. The underlying reasons for granting a COLA to General Schedule employees serving in Alaska and elsewhere and for exempting said COLA from Federal income taxation apply equally to the COLA provided to Commission employees. (In fact, because Section 17(a)(4)(B) of the Act expressly provides that the Federal co-chairman shall be compensated at a rate not to exceed that fixed for level V executive employees, the COLA paid to him is exempt from Federal taxation under 26 U.S.C. Section 912(2).) These reasons include the high cost of living in Alaska, the need to attract qualified employees to the Federal service, and the fact that, with certain exceptions not relevant here, Commission employees have the same obligations and responsibilities and receive the same benefits as General Schedule employees.

7. There is nothing in 5 U.S.C. Section 5941, 26 U.S.C. Section 912, the relevant legislative history, or any other source to indicate that Congress, in enacting these provisions, intended to deny a Federal tax exemption for the COLA of workers who occupy the status and have the employment characteristics which pertain to Commission personnel.

8. If this Executive order is not issued, a significant inequity will result in that taxpayers who are similarly situated in all relevant respects will be treated differently under the Federal laws respecting income taxation.

9. Given the unique circumstances of this case, including the discretion granted to the Federal and State co-chairmen of the Commission to fix employees' salaries without reference to the Civil Service laws relating to the appointment and compensation of personnel and the physical situs of the Commission in a locale where COLA is authorized for General Schedule employees, it is most unlikely that this order will set a precedent which transcends the facts which are operative here or will jeopardize the tax gathering efforts of the Internal Revenue Service.

Executive Order 11817—Designating the Office of Personnel Management as the agent to concur with agency determinations fixing the age limits within which original appointments may be made with respect to law enforcement officer and firefighter positions

SOURCE: The provisions of Executive Order 11817 of Nov. 5, 1974, appear at 39 FR 39427, 3 CFR, 1971-1975-Comp., p. 923, unless otherwise noted.

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By virtue of the authority vested in me by section 3307(d) of title 5 of the United States Code, as added by the first section of the Act of July 12, 1974 (Public Law 93-350; 88 Stat. 355), I hereby designate the Office of Personnel Management as the agency to concur with determinations made by agencies to fix the minimum and maximum limits of age within which an original appointment may be made to a position as a law enforcement officer or firefighter, as defined by section 8331(20) and (21), respectively, of title 5 of the United States Code. The designation made by this order shall be effective as of October 15, 1974.

[EO 11817 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11895—Delegating authority of the President to designate individuals appointed by the President to receive training

SOURCE: The provisions of Executive Order 11895 of Jan. 6, 1976, appear at 41 FR 1465, 3 CFR, 1976 Comp., p. 81, unless otherwise noted.

By virtue of the authority vested in me by Section 301 of Title 5 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2 of this Order, the Office of Personnel Management is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) of Title 5, United States Code, to designate individuals appointed by the President for training under Chapter 41 of Title 5, United States Code.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The Attorney General is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) to designate individuals appointed by the President as United States Attorneys and United States Marshals for training under Chapter 41 of Title 5, United States Code.

SEC. 3. Executive Order No. 11531 of May 26, 1970, is hereby superseded.

Executive Order 11899—Providing for the protection of certain civil service employment rights of Federal personnel who leave Federal employment to be employed by tribal organizations pursuant to the Indian Self-Determination and Education Assistance Act

SOURCE: The provisions of Executive Order 11899 of Jan. 22, 1976, appear at 41 FR 3459, 3 CFR, 1976 Comp., p. 85, unless otherwise noted.

By virtue of the authority vested in me by section 105(i) of the Indian Self-Determination and Education Assistance Act (88 Stat. 2210, 25 U.S.C. 450 i), section 3301 of title 5 of the United States Code, section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

[Preamble amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SECTION 1. The Office of Personnel Management is hereby designated and empowered to exercise, without approval, ratification, or other action by the President, but after consultation with the Department of

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the Interior and the Department of Health and Human Services, the authority vested in the President by Section 105(i) of the Indian Self-Determination and Education Assistance Act (hereinafter referred to as the Act), to issue regulations necessary to carry out the provisions of subsections (e)(2), (e)(3), (e)(4), (f), (g) and (h) of section 105 of the act, to carry out the provisions of subsection (e)(1) of section 105 of the act to the extent subsection (e)(1) pertains to section 8151 of title 5 of the United States Code, and to protect and assure any other civil service employment rights which it finds appropriate.

[Sec. 1 amended by EO 12107 of Dec. 28, 1977, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Office of Personnel Management shall, after consultation with the Department of the Interior and the Department of Health and Human Services, issue regulations, as it deems appropriate, providing for the establishment, granting, and exercise of reemployment rights for employees who leave Federal employment for employment by an Indian tribal organization under provisions of the act.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. The Secretary of Labor is hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the authority vested in the President by section 105(i) of the act to issue regulations necessary to carry out the provisions of section 105(e)(1) of the act, except as provided in section 1 of this order.

Executive Order 11955—Permitting certain qualified employees of the National Aeronautics and Space Administration to be given career or career-conditional appointment

SOURCE: The provisions of Executive Order 11955 of Jan. 10, 1977, appear at 42 FR 2499, 3 CFR, 1977 Comp., p. 77, unless otherwise noted.

By virtue of the authority vested in me by section 3301 of title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The appointment of a Command Pilot, Pilot or Mission Specialist candidate to a position in the Space Shuttle Astronaut Program of the National Aeronautics and Space Administration, which is listed under Schedule B of the Schedule of Excepted Positions, may be converted to career or career-conditional appointment if:

(a) the candidate has successfully completed two years of service as a candidate in an appropriate training program;

(b) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, recommends the conversion of the candidate's appointment within ninety days of completion of the requirements of section 1(a);

(c) the candidate meets noncompetitive examination standards prescribed by the Office of Personnel Management; and

(d) the candidate meets all other requirements prescribed by the Office of Personnel Management pursuant to section 3 of this order.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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SEC. 2. Whenever the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, decides not to recommend conversion of an appointment under this order or whenever the Administrator, or the Administrator's designee, recommends conversion and the candidate fails to qualify, the candidate shall be separated not later than the date of expiration of the current Schedule B appointment, unless the appointment can be converted through appropriate competitive examination or the candidate can be assigned to a suitable position under another excepted authority prior to the expiration date.

SEC. 3. The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this order.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 11981—Establishing the Interagency Committee for the Purchase of United States Savings Bonds

SOURCE: The provisions of Executive Order 11981 of Mar. 29, 1977, appear at 42 FR 17095, 3 CFR, 1977 Comp., p. 111, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Interagency Committee for the Purchase of United States Savings Bonds (hereinafter referred to as the Committee). The Committee shall consist of a Chairman, who is to be appointed the President for a term of two years, and the heads of Federal agencies. Each member of the Committee is responsible for the success of the Payroll Savings Program in his agency.

(b) Members of the Committee may designate an alternate, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee. The alternate member may be authorized to act for the regular member in all appropriate matters relating to the Committee. In the case of an executive or military department, a Deputy Secretary or an Under Secretary may be designated as an alternate member. In the case of any other Federal agency, the alternate member shall be designated from among the officials thereof of appropriate rank.

(c) The Chairman will designate the Federal Payroll Savings Officer of the Savings Bonds Division, Department of the Treasury, to act as his liaison officer with members of the Committee.

SEC. 2. The Committee shall perform the following functions and duties:

(a) Formulating and presenting to the Federal agencies a plan of organization and sales promotion whereby the Payroll Savings Plan and Military Bond Allotment Plan, hereinafter referred to as the Plans, will be made available to all uniformed and civilian personnel of the government for the purchase of Savings Bonds, and whereby all such personnel will be urged to participate.

(b) Assisting the Federal agencies in installing the Plans and in solving any special problems that may develop in connection therewith.

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(c) Acting as a clearinghouse for Federal agencies in compiling and disseminating such statistics and information with respect to the implementation and sales promotion of the Plans as may be appropriate.

(d) Recommending to the Federal agencies any methods for improvements in the program adopted pursuant to the Plans.

(e) The Committee will meet, and will be available to meet with the President, at least once each calendar year and at such other times as may be necessary to carry out its responsibilities.

SEC. 3. Each Federal agency shall institute and put into operation, as soon as practicable, a plan of organization and sales promotion recommended by the Committee, with such modifications as particular circumstances may render advisable.

SEC. 4. As used in this Order, the term "Federal agencies" means departments, agencies, and establishments of the Executive branch of the Government.

SEC. 5. This Order supersedes Executive Order No. 11532 of June 2, 1970.

Executive Order 11997—Withholding of District of Columbia, State, city and county income or employment taxes

SOURCE: The provisions of Executive Order 11997 of June 22, 1977, appear at 42 FR 31759, 3 CFR, 1977 Comp., p. 128, unless otherwise noted.

By virtue of the authority vested in me by Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to authorize the Secretary of the Treasury to provide for the withholding of county income or employment taxes as authorized by Section 5520 of Title 5 of the United States Code as amended by Section 408 of Public Law 95-30, as well as to provide for the withholding of District of Columbia, State and city income or employment taxes, it is hereby ordered as follows:

SECTION 1. Whenever the Secretary of the Treasury enters into an agreement pursuant to Section 5516, 5517 or 5520 of Title 5 of the United States Code, with the District of Columbia, a State, a city or a county, as the case may be, with regard to the withholding, by an agency of the United States, hereinafter referred to as an agency, of income or employment taxes from the pay of Federal employees or members of the Armed Forces, the Secretary of the Treasury shall ensure that each agreement is consistent with those sections and regulations, including this Order, issued thereunder.

SEC. 2. Each agreement shall provide (a) when tax withholding shall begin, (b) that the head of an agency may rely on the withholding certificate of an employee or a member of the Armed Forces in withholding taxes, (c) that the method for calculating the amount to be withheld for District of Columbia, State, city or county income or employment taxes shall produce approximately the tax required to be withheld by the District of Columbia or State law, or city or county ordinance, whichever is applicable, and (d) that procedures for the withholding, filing of returns, and payment of the withheld taxes to the District of Columbia, a State, a city or a county shall conform to the usual fiscal practices of agencies. Any agreement affecting members of the Armed

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Forces shall also provide that the head of an agency may rely on the certificate of legal residence of a member of the Armed Forces in determining his or her residence for tax withholding purposes. No agreement shall require the collection by an agency of delinquent tax liabilities of an employee or a member of the Armed Forces.

SEC. 3. The head of each agency shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct payment of the taxes withheld, in accordance with this Order, any regulations prescribed by the Secretary of the Treasury, and the new applicable agreement.

SEC. 4. The Secretary of the Treasury is authorized to prescribe additional regulations to implement Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and this Order.

SEC. 5. Executive Order No. 11968 of January 31, 1977, is hereby revoked. However, all actions heretofore taken by the President or his delegates in respect of the matters affected by this Order and in force at the time of the issuance of this Order, including any regulations prescribed or approved by the President or his delegates in respect of such matters and any existing agreements approved by his delegates, shall, except as they may be inconsistent with the provisions of this Order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this Order, unless sooner terminated by operation of law.

Executive Order 12015—Permitting students completing approved career-related work-study programs to be appointed to career or career conditional positions in the competitive service

SOURCE: The provisions of Executive Order 12015 of Oct. 26, 1977, appear at 42 FR 56947, 3 CFR, 1977 Comp., p. 150, unless otherwise noted.

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. As used in this order "career-related work-study programs" are those programs established by the Office of Personnel Management which provide for a formally-arranged schedule of periods of attendance at an accredited school combined with periods of career-related work in a Federal agency under a Schedule B appointment.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. The appointment of a student to a position in a career-related work-study program may be converted noncompetitively to a career or career-conditional appointment if the student:

- (a) has completed within the preceding 120 days an educational program that meets the provisions established by the Office of Personnel Management;
- (b) has satisfied all course requirements leading to completion of the related curriculum at an accredited school;
- (c) is recommended for such an appointment by the employing agency in which the career-related work was performed; and,
- (d) satisfies such other requirements and conditions as the Office of Personnel Management may prescribe for career or career-conditional appointment of an individual in career-related work-study programs.

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[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. The Office of Personnel Management shall prescribe such regulations as it deems necessary to carry out the provisions of this order and to provide for the continuation of planning, implementation and evaluation of employment programs for students throughout the Government. These regulations shall provide for the periodic evaluation of the work of each student and require that each student's continuation in the program shall be dependent upon a finding of satisfactory performance.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 4. Executive Order No. 11813 of October 7, 1974, is hereby revoked.

Executive Order 12026—Reinstatement rights of certain employees of the Department of Energy

SOURCE: The provisions of Executive Order 12026 of Dec. 5, 1977, appear at 42 FR 61849, 3 CFR, 1977 Comp., p. 159, unless otherwise noted.

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, the service of an employee of the Atomic Energy Commission or of the Energy Research and Development Administration pursuant to a Regular or Regular (Conditional) appointment, other than such service in an attorney position, who was transferred to the Department of Energy pursuant to the Department of Energy Organization Act (91 Stat. 565; 42 U.S.C. 7101 *et seq.*) shall be considered as Career or Career-Conditional service, respectively, for purposes of eligibility for reinstatement in the competitive Civil Service.

Executive Order 12027—Relating to the transfer of certain executive development and other personnel functions

SOURCE: The provisions of Executive Order 12027 of Dec. 5, 1977, appear at 42 FR 61851, 3 CFR, 1977 Comp., p. 159, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to transfer certain functions from the Director of the Office of Management and Budget to the Office of Personnel Management, it is hereby ordered as follows:

[Preamble amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SECTION 1. The following functions which heretofore have been performed by the Director of the Office of Management and Budget, either alone or in conjunction with the Office of Personnel Management, are hereby reassigned and delegated to the Office of Personnel Management:

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(a) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development, and management including:

(1) Devising and establishing programs and encouraging agencies to devise and establish programs to forecast the need for career executive talent and to select, train, develop, motivate, deploy and evaluate the men and women who make up the top ranks of Federal civil service;

(2) Initiating and leading efforts to ensure that potential executive talent is identified, developed and well utilized throughout the Executive Branch and;

(3) Ensuring that executive training and motivation meet current and future needs.

(b) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(c) Providing primary Executive Branch leadership in (1) developing and reviewing a program of policy guidance to departments and agencies for the organization of management's responsibility under the Federal Labor Relations program; and (2) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.¹

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. [Deleted]

[Sec. 2 amends EO 11541 of July 1, 1970, Chapter 34, p. 690. The amendment has been incorporated into that order.]

SEC. 3. [Deleted]

[Sec. 3 amends EO 11491 of Oct. 29, 1969, this chapter, p. 82. The amendment has been incorporated into that order.]

SEC. 4. [Deleted]

[Sec. 4 amended EO 11636 of Dec. 17, 1971, which was revoked by EO 12292 of Feb. 23, 1981.]

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order from the Office of Management and Budget to the Office of Personnel Management, are hereby transferred to the Office of Personnel Management.

[Sec. 5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. This Order shall be effective December 4, 1977.

¹ EDITORIAL NOTE: The Federal Labor Relations Council was abolished and its functions transferred to the Federal Labor Relations Authority by Reorganization Plan No. 2 of 1978, 43 FR 36037, 3 CFR, 1978 Comp., p. 323, effective Jan. 1, 1979, pursuant to Executive Order 12107 of Dec. 28, 1978, this chapter, p. 113.

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Executive Order 12105—Garnishment of moneys payable to employees of executive agencies and the District of Columbia

SOURCE: The provisions of Executive Order 12105 of Dec. 19, 1978, appear at 43 FR 3 CFR, 1978 Comp., p. 262, unless otherwise noted.

By virtue of the authority vested in me by Section 461(a)(1) of the Social Security Act, as added by Section 501(c) of the Tax Reduction Simplification Act of 1977 (Public Law 95-30, 91 Stat. 158, 42 U.S.C. 661(a)(1)), and Section 301 of Title 3 of the United States Code, as President of the United States of America, in order to provide for the enforcement of legal obligations to provide child support or alimony payments incurred by employees of the Executive branch, it is hereby ordered as follows:

1. Delegation of Authority.

101. The Office of Personnel Management in consultation with the Attorney General, the Secretary of Defense with respect to members of the Armed Forces, and the Mayor of the District of Columbia with respect to employees of the Government thereof, is authorized to promulgate regulations for the uniform implementation of Section 459 of the Social Security Act, as amended (42 U.S.C. 659), hereinafter referred to as the Act.

1-101 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 1055.

102. The regulations promulgated by the Office of Personnel Management pursuant to this Order shall:

(a) Be applicable to the Executive branch of the Government as defined in Section 461(a)(1) of the Act (42 U.S.C. 661(a)(1)).

(b) Require the appropriate officials of the Executive branch of the Government to take the actions prescribed by Sections 461(b)(1), 461(b)(3)(A) and 461(c) of the Act (42 U.S.C. 661(b)(1), 661(b)(3)(A), 661(c)).

(c) Require the appropriate officials of the Executive branch of the Government to issue such rules, regulations and directives as are necessary to implement the regulations of the Office of Personnel Management.

1-102 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 1055.

2. Revocations.

201. Executive Order No. 11881 of October 3, 1975 is revoked.

202. All regulations, directives, or actions taken by the Office of Personnel Management pursuant to Executive Order No. 11881 of October 3, 1975 shall remain in effect until modified, superseded or revoked by the Office of Personnel Management pursuant to this Order.

1-202 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 1055.

Executive Order 12107—Relating to the Civil Service Commission and labor-management in the Federal Service

SOURCE: The provisions of Executive Order 12107 of Dec. 28, 1978, appear at 44 FR 3 CFR, 1978 Comp., p. 264, unless otherwise noted.

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By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, and by Section 403 of Reorganization Plan No. 2 of 1978 (43 FR 36037), it is hereby ordered as follows:

SECTION 1

IMPLEMENTATION OF REORGANIZATION PLAN NO. 2 OF 1978

1-1. *Office of Personnel Management.*

1-101. *Establishment of Office of Personnel Management.* The establishment of the Office of Personnel Management and of the positions of Director, Deputy Director, and Associate Directors of that Office, as provided in Sections 101 and 103 of Reorganization Plan No. 2 of 1978, shall be effective on January 1, 1979.

1-102. *Transfer of Functions.* Section 102 of Reorganization Plan No. 2 of 1978, transferring functions to the Director of the Office of Personnel Management, shall be effective on January 1, 1979.

1-2. *Merit Systems Protection Board.*

1-201. *Redesignation of Civil Service Commission.* The redesignation of the Civil Service Commission as the Merit Systems Protection Board and of the Commissioners as Members of the Board as provided in Section 201 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-202. *Functions of the Merit Systems Protection Board.* The functions of the Merit Systems Protection Board as provided in Section 202 and the savings provisions of Section 203 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-3. *The Special Counsel.*

1-301. *Establishment of the Office of Special Counsel.* The establishment of the Office of Special Counsel to the Merit Systems Protection Board as provided in Section 204(a) of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-302. *Functions of the Special Counsel.* The transfer of functions provided for in Section 204(b) and the performance of functions set forth in Section 204(c)-(g) of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-4. *The Federal Labor Relations Authority.*

1-401. *The Establishment of the Federal Labor Relations Authority and the Office of General Counsel.* The establishment of the Federal Labor Relations Authority as provided in Section 301 and the Office of General Counsel of the Authority as provided in Section 302 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-402. *The Federal Service Impasses Panel.* The continuation of the Federal Service Impasses Panel established under Executive Order No. 11491, as amended, as a distinct organizational entity within the Federal Labor Relations Authority as provided in Section 303 of Reorganization Plan No. 2 of 1978, shall be effective on January 1, 1979.

1-403. *Functions of the Federal Labor Relations Authority, the General Counsel, and the Federal Service Impasses Panel.* The transfer of functions provided for in Section 304 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

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1-5. General.

1-501. *General Effective Date.* All other provisions of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

SECTION 2

REDESIGNATIONS, AMENDMENTS TO RULES AND EXECUTIVE ORDERS AND GENERAL PROVISIONS

2-1. Redesignations.

2-101. *Office of Personnel Management. [Deleted]*

[Sec. 2-101, as amended by EO 12126 of Mar. 29, 1979, and EO 12128 of Apr. 4, 1979, amends Executive orders relating to the Civil Service Rules, ethics, and other matters of Presidential interest, including EO 8743 of Apr. 23, 1941, this chapter, p. 33; EO 10577 of Nov. 23, 1954, this chapter, p. 54; EO 10641 of Oct. 26, 1955, codified at 5 CFR Parts 81-84; EO 10717 of June 27, 1957, this chapter, p. 60; EO 10927 of Mar. 18, 1961, which was revoked by EO 12353 of Mar. 23, 1982; EO 11183 of Oct. 3, 1964, this chapter, p. 64; EO 11222 of May 8, 1965, this chapter, p. 68; EO 11246 of Sept. 24, 1965, Chapter 29, p. 481; EO 11315 of Nov. 17, 1966, this chapter, p. 75; EO 11451 of Jan. 19, 1969, which was superseded by EO 12136 of May 15, 1979; EO 11541 of July 1, 1970, Chapter 34, p. 690; EO 11570 of Nov. 24, 1970, Chapter 39, p. 791; EO 11639 of Jan. 11, 1972, this chapter, p. 98; EO 11648 of Feb. 16, 1972, which amends EO 11183, this chapter, p. 64; EO 11721 of May 23, 1973, this chapter, p. 99; EO 11935 of Sept. 2, 1976, codified at 5 CFR Part 7.4; EO 12004 of July 20, 1977, which amends EO 11721, this chapter, p. 99; EO 12014 of Oct. 19, 1977, which amends EO 10717, this chapter, p. 60; EO 12043 of Mar. 7, 1978, codified at 5 CFR Parts 6.1, 6.6, 9.6, 9.20; and any other orders, including EO 9721 of May 10, 1946, which was revoked by EO 12553 of Feb. 25, 1986, that relate to functions or areas of responsibility delegated to the Office of Personnel Management. The amendments have been incorporated into the orders codified in this volume.]

Sec. 2-101 also amends other Executive orders relating to Federal Personnel Management, and membership on councils, boards, and committees, including EO 8744 of Apr. 24, 1941, which was revoked by EO 12608 of Sept. 9, 1987; EO 9230 of Aug. 20, 1942, which amends EO 8743, this chapter, p. 33; EO 9712 of Apr. 13, 1946, which amends EO 8743, this chapter, p. 33; EO 9628 of Sept. 25, 1945, this chapter, p. 37; EO 9830 of Feb. 24, 1947, this chapter, p. 39; EO 9932 of Feb. 27, 1948, which was revoked by EO 12292 of Feb. 23, 1981; EO 9961 of May 19, 1948, which amends EO 9830, this chapter, p. 39; EO 10000 of Sept. 16, 1948, this chapter, p. 43; EO 10242 of May 8, 1951, which was revoked by EO 12148 of July 20, 1979; EO 10422 of Jan. 9, 1953, Chapter 22, p. 383; EO 10450 of Apr. 27, 1953, this chapter, p. 47; EO 10459 of June 2, 1953, which amends EO 10422, Chapter 22, p. 383; EO 10530 of May 10, 1954, Chapter 47, p. 935; EO 10549 of Aug. 2, 1954, 19 FR 4871, 3 CFR, 1954-1958 Comp., p. 200; EO 10550 of Aug. 5, 1954, which amends EO 10450, this chapter, p. 47; EO 10552 of Aug. 10, 1954, this chapter, p. 53; EO 10556 of Sept. 1, 1954, this chapter, p. 54; EO 10647 of Nov. 28, 1955, Chapter 32, p. 576; EO 10763 of Apr. 23, 1958, which amends EO 10422, Chapter 22, p. 383; EO 10774 of July 25, 1958, which was revoked by EO 12553 of Feb. 25, 1986; EO 10804 of Feb. 12, 1959, which was revoked by EO 11552 of Aug. 24, 1970; EO 10826 of June 25, 1959, this chapter, p. 61; EO 10880 of June 7, 1960, which was revoked by EO 12608 of Sept. 9, 1987; EO 10903 of Jan. 9, 1961, Chapter 22, p. 387; EO 10973 of Nov. 3, 1961, which was revoked by EO 12163 of Sept. 29, 1979; EO 10982 of Dec. 25, 1961, this chapter, p. 62; EO 11103 of Apr. 10, 1963, this chapter, p. 63; EO 11171 of Aug. 18, 1964, codified at 35 CFR Part 251; EO 11203 of Mar. 12, 1965, this chapter, p. 66; EO 11219 of May 6, 1965, this chapter, p. 67; EO 11228 of June 14, 1965, this chapter, p. 74; EO 11264 of Dec. 31, 1965, which was revoked by EO 12363 of May 21, 1982; EO 11348 of Apr. 20, 1967, this chapter, p. 77; EO 11355 of May 26, 1967, which amends EO 10647, Chapter 32, p. 576; EO 11422 of Aug. 15, 1968, which was revoked by EO 12553 of Feb. 25, 1986; EO 11434 of Nov. 8, 1968, which was revoked by EO 12363 of May 21, 1982; EO 11438 of Dec. 3, 1968, Chapter 32, p. 607; EO 11490 of Oct. 28, 1969, which was revoked

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by EO 12656 of Nov. 18, 1988; EO 11521 of Mar. 26, 1970, Chapter 38, p. 785; EO 11552 of Aug. 24, 1970, this chapter, p. 95; EO 11561 of Sept. 25, 1970, this chapter, p. 96; EO 11579 of Jan. 19, 1971, Chapter 31, p. 512; EO 11589 of Apr. 1, 1971, this chapter, p. 98; EO 11603 of June 30, 1971, which was superseded by EO 12137 of May 16, 1979; EO 11609 of July 22, 1971, Chapter 34, p. 692; EO 11639 of Jan. 11, 1972, this chapter, p. 98; EO 11744 of Oct. 24, 1973, this chapter, p. 103; EO 11817 of Nov. 5, 1974, this chapter, p. 105; EO 11890 of Dec. 10, 1975, which amends EO 10422, Chapter 22, p. 383; EO 11895 of Jan. 6, 1976, this chapter, p. 106; EO 11899 of Jan. 22, 1976, this chapter, p. 106; EO 11938 of Sept. 29, 1976, which amends EO 10000, this chapter, p. 43; EO 11955 of Jan. 10, 1977, this chapter, p. 107; EO 12008 of Aug. 25, 1977, which was revoked by EO 12364 of May 24, 1982; EO 12015 of Oct. 26, 1977, this chapter, p. 110; EO 12027 of Dec. 5, 1977, this chapter, p. 111; EO 12049 of Mar. 27, 1978, Chapter 32, p. 552; EO 12067 of June 30, 1978, Chapter 29, p. 491; EO 12070 of June 30, 1978, which was superseded by EO 12510 of Apr. 17, 1985; EO 12089 of Oct. 23, 1978, which was revoked by EO 12379 of Aug. 17, 1982; EO 12105 of Dec. 19, 1978, this chapter, p. 113; and any other orders, including EO 11491 of Oct. 29, 1969, this chapter, p. 82; EO 11636 of Dec. 17, 1971, which was revoked by EO 12292 of Feb. 23, 1981; EO 11701 of Jan. 24, 1973, Chapter 41, p. 840; and EO 11787 of June 11, 1974, which was revoked by EO 12553 of Feb. 25, 1986, that relate to functions or areas of responsibility delegated to the Office of Personnel Management. The amendments have been incorporated into the orders codified in this volume.]

2-102. *Merit Systems Protection Board.* [Deleted]

[Sec. 2-102 amends EO 11787 of June 11, 1974, and EO 10774 of July 25, 1958, both of which were revoked by EO 12553 of Feb. 25, 1986.]

2-103. *Amending the Civil Service Rules.* [Deleted]

[Sec. 2-103 amends EO 10577 of Nov. 22, 1954, codified at 5 CFR Parts 1-9]

2-104. *Effectiveness of Rule Changes.* The amendments to rules shall be effective on January 1, 1979, to the extent provided by law on that date.

2-2. *Revocation of Executive Orders and Delegations of Functions.*

2-201. *Revocation of Executive Orders and Delegation of Functions to the Director.* Executive Orders numbered 10540 and 10561 are revoked and the authority vested in the President by Section 202(c)(1)(C) of the Annual Sick Leave Act of 1951, as amended, and the authority of the President, pursuant to the Civil Service Act of January 16, 1883, to designate official personnel folders in government agencies as records of the Office of Personnel Management and to prescribe regulations relating to the establishment, maintenance and transfer of official personnel folders, are delegated to the Director of the Office of Personnel Management. Any rules, regulations, directives, instructions or other actions taken pursuant to the authority delegated to the Director of the Office of Personnel Management shall remain in effect until amended, modified, or revoked pursuant to the delegations made by this Order.

2-202. *Savings Provision.* All personnel actions and decisions affecting employees or applicants for employment made on or before January 11, 1979 shall continue to be governed by the applicable Executive order, and the rules and regulations implementing that Order, to the same extent as if that Executive order had not been revoked effective January 11, 1979 unless amended, modified or revoked pursuant to this Order.

2-3. *Labor Management Relations in the Federal Service*

[Sec. 2-3 amends EO 11491 of Oct. 29, 1969, this chapter, p. 82. The amendments have been incorporated into that order.]

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2-4. General Provisions.

2-401. *Study and Report Provisions.* The Director of the Office of Personnel Management is directed to conduct a study of Executive orders issued in Section 2-101 (a) and (b) and to coordinate the study with such other agencies as may be named in or affected by these orders. The Director of Personnel Management and the Director of the Office of Management and Budget are directed to submit a report on or before July 1, 1981 to the President concerning the performance of functions specified in these Executive orders and any other Executive orders affecting the functions or responsibilities of the Office of Personnel Management. The report shall contain specific detailed recommendations for the continuation, modification, revision or revocation of each Executive order.

2-402. *Continuing Effect of this Order.* Except as required by the Civil Service Reform Act of 1978 as its provisions become effective, in accord with Section 7135 of Title 5, United States Code, as amended, and in accord with Section 902(a) of that Act, the provisions of this Order shall continue in effect, according to its terms, until modified, terminated or suspended.

2-403. Transfers and Determinations.

(a) The records, property, personnel and positions, and unexpended balances of appropriations or funds related to Civil Service Commission functions reassigned by this Order that are available, or to be made available, and necessary to finance or discharge the reassigned functions are transferred to the Director of the Office of Personnel Management, the Federal Labor Relations Authority, or the Federal Service Impasses Panel, as appropriate.

(b) The Director of the Office of Management and Budget shall make such determinations, issue Orders and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property and personnel.

2-404. *Effective Date.* Except as otherwise specifically provided in this Order, this Order shall be effective on January 1, 1979.

Executive Order 12109—Federal physicians comparability allowance

SOURCE: The provisions of Executive Order 12109 of Dec. 28, 1978, appear at 44 FR 1067, 3 CFR, 1978 Comp., p. 275, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 5948 of Title 5 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. The Director of the Office of Personnel Management is hereby designated and empowered to exercise, in consultation with the Director of the Office of Management and Budget, the authority of the President under Section 5948 of Title 5 of the United States Code, to prescribe regulations, criteria, and conditions with regard to the payment of comparability allowances to recruit and retain certain Federal physicians.

1-102. Until the Office of Personnel Management is established (on or before January 1, 1979), pursuant to Reorganization Plan No. 2 of 1978 (43 FR 36037), the Civil Service Commission shall exercise the au-

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thority delegated under this Order to the Director of the Office of Personnel Management.

Executive Order 12154—Levels IV and V of the Executive Schedule

SOURCE: The provisions of Executive Order 12154 of Sept. 4, 1979, appear at 44 FR 51965, 3 CFR, 1979 Comp., 424, unless otherwise noted.

By the authority vested in me as President by Section 5317 of Title 5 of the United States Code it is hereby ordered as follows:

1-1. *Executive Schedule Positions.*

1-101. The following positions are placed in level IV of the Executive Schedule:

- (a) Counselor to the Secretary, Department of the Treasury.
- (b) Deputy Under Secretary for International Labor Affairs, Department of Labor.
- (c) Administrator, Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services.
- (d) [Deleted]
- (e) Executive Director, White House Conference on Aging, Department of Health and Human Services.
- (f) Deputy Adviser for Congressional Affairs, Council on Wage and Price Stability.¹
- (g) Deputy Adviser for Government Operations, Council on Wage and Price Stability.
- (h) Deputy Adviser for Regulatory Policies, Council on Wage and Price Stability.
- (i) Executive Secretary of the National Security Council.
- (j) Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

[Sec. 1-101 amended by EO 12199 of Mar. 12, 1980, 45 FR 16441, 3 CFR, 1980 Comp., p. 227; EO 12236 of Sept. 3, 1980, 45 FR 58805, 3 CFR, 1980 Comp., p. 279; EO 12422 of May 20, 1983, 48 FR 23157, 3 CFR, 1983 Comp., p. 191; EO 12431 of July 8, 1983, 48 FR 31849, 3 CFR, 1983 Comp., p. 198; EC 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-102. The following positions are placed in level V of the Executive Schedule:

- (a) Deputy Assistant Secretary of Defense for Reserve Affairs, Department of Defense.
- (b) Executive Director, Pension Benefit Guaranty Corporation, Department of Labor.
- (c) Executive Assistant and Counselor to the Secretary of Labor, Department of Labor.
- (d) Commissioner on Aging, Department of Health and Human Services.
- (e) Deputy Under Secretary for Education, Department of Education.
- (f) Deputy Under Secretary for Education, Department of Education.

¹ EDITORIAL NOTE: The Council on Wage and Price Stability was abolished by Executive Order 12288 of Jan. 29, 1981, 46 FR 10135, 3 CFR, 1981 Comp., p. 125.

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[Sec. 1-102 amended by EO 12237 of Sept. 3, 1980, 45 FR 58807, 3 CFR, 1980 Comp., p. 280; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-2. General Provisions.

1-201. Nothing in this Order shall be deemed to terminate or otherwise affect the appointment, or to require the reappointment, of any occupant of any position listed in Section 1-1 of this Order who was the occupant of that position immediately prior to the issuance of this Order.

1-202. Executive Order No. 12076, as amended, is hereby revoked.

Executive Order 12171—Exclusions from the Federal Labor-Management Relations Program

SOURCE: The provisions of Executive Order 12171 of Nov. 19, 1979, appear at 44 FR 66565, 3 CFR, 1979 Comp., p. 458, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt certain agencies or subdivisions thereof from coverage of the Federal Labor-Management Relations Program, it is hereby ordered as follows:

1-1. Determinations.

1-101. The agencies or subdivisions thereof set forth in Section 1-2 of this Order are hereby determined to have as a primary function intelligence, counterintelligence, investigative, or national security work. It is also hereby determined that Chapter 71 of Title 5 of the United States Code cannot be applied to those agencies or subdivisions in a manner consistent with national security requirements and considerations. The agencies or subdivisions thereof set forth in Section 1-2 of this Order are hereby excluded from coverage under Chapter 71 of Title 5 of the United States Code.

1-102. Having determined that it is necessary in the interest of national security, the provisions of Chapter 71 of Title 5 of the United States Code are suspended with respect to any agency, installation, or activity listed in Section 1-3 of this Order. However, such suspension shall be applicable only to that portion of the agency, installation, or activity which is located outside the 50 States and the District of Columbia.

1-2. Exclusions.

1-201. The Information Security Oversight Office, General Services Administration.

1-202. The Federal Research Division, Research Services, the Library of Congress.

1-203. Agencies or subdivisions of the Department of the Treasury:

(a) The U.S. Secret Service.

(b) The U.S. Secret Service Uniformed Division.

(c) The Office of Special Assistant to the Secretary (National Security).

(d) The Office of Intelligence Support (OIS).

(e) The Office of the Assistant Secretary (Enforcement and Operations) (OEO).

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(f) The Office of Criminal Enforcement, Bureau of Alcohol, Tobacco, and Firearms.

(g) The Office of Investigations, U.S. Customs Service.

(h) The Criminal Investigation Division, Internal Revenue Service.
1-204. Agencies or subdivisions of the Department of the Army, Department of Defense:

(a) Office of Assistant Chief of Staff for Intelligence.

(b) U.S. Army Intelligence and Security Command.

(c) U.S. Army Foreign Science and Technology Center.

(d) U.S. Army Intelligence Center and School.

(e) U.S. Army Missile Intelligence Agency.

(f) Foreign Intelligence Office, U.S. Army Missile Research and Development Command.

1-205. Agencies or subdivisions of the Department of the Navy, Department of Defense:

(a) Office of Naval Intelligence.

(b) Naval Intelligence Command Headquarters and Subordinate Commands.

(c) Headquarters, Naval Security Group Command.

(d) Naval Security Group Activities and Detachments.

(e) Fleet Intelligence Center, Europe and Atlantic (FICEURLANT).

(f) Fleet Intelligence Center, Pacific (FICPAC).

(g) Units composed primarily of employees engaged in the operation, repair, and/or maintenance of "off line" or "on line" cryptographic equipment.

(h) Units composed primarily of employees of naval telecommunications activities in positions which require a cryptographic authorization.

1-206. Agencies or subdivisions of the Department of the Air Force, Department of Defense:

(a) Office of Space Systems, Office of the Secretary of the Air Force.

(b) Office of Special Projects, Office of the Secretary of the Air Force.

(c) Engineering Office, Space and Missile Systems Organization (Air Force Systems Command).

(d) Program Control Office, Space and Missile Systems Organization (Air Force Systems Command).

(e) Detachment 3, Space and Missile Systems Organization (Air Force Systems Command).

(f) Defense Dissemination Systems Program Office, Space and Missile Systems Organization (Air Force Systems Command).

(g) Satellite Data System Program Office, Space and Missile Systems Organization (Air Force Systems Command).

(h) Project Office at El Segundo, California, Office of the Secretary of the Air Force.

(i) Project Office at Patrick Air Force Base, Florida, Office of the Secretary of the Air Force.

(j) Project Office at Fort Myer, Virginia, Office of the Secretary of the Air Force.

(k) Air Force Office of Special Investigations.

(l) U.S. Air Force Security Service.

(m) Foreign Technology Division, Air Force Systems Command, Wright-Patterson Air Force Base.

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- (n) 1035 Technical Operations Group (Air Force Technical Applications Center), Air Force Systems Command, and subordinate units.
 - (o) 3480 Technical Training Wing, Air Training Command, Goodfellow Air Force Base, Texas.
 - (p) Office of the Assistant Chief of Staff, Intelligence.
 - (q) Air Force Intelligence Service.
- Sec. 1-206 amended by EO 12338 of Jan. 11, 1982, 47 FR 1369, 3 CFR, 1982 Comp., p. 80]
- 1-207. The Defense Intelligence Agency, Department of Defense.
- 1-208. The Defense Investigative Service, Department of Defense.
- SEC. 1-209. *Agencies or subdivisions of the Department of Justice.* (a) The Office of Enforcement and the Office of Intelligence, including all domestic field offices and intelligence units, of the Drug Enforcement Administration.
- (b) The Office of Special Operations, the Threat Analysis Group, the Enforcement Operations Division, the Witness Security Division and the Court Security Division in the Office of the Director and the Enforcement Division in Offices of the United States Marshals in the United States Marshals Service.
- Sec. 1-209 amended by EO 12632 of Mar. 23, 1988, 53 FR 9852, 3 CFR, 1988 Comp., p. 80]
- 1-210. Agencies or subdivisions of the Department of Energy.
- (a) The Albuquerque, Nevada and Savannah River operations offices under the Under Secretary of Energy.
- (b) Offices of the Assistant Secretary for Defense Programs.
- Sec. 1-210 amended by EO 12338 of Jan. 11, 1982, 47 FR 1369, 3 CFR, 1982 Comp., p. 80]
- 1-211. Offices within the Agency for International Development:
- (a) The Immediate Office of the Auditor General.
 - (b) The Office of Inspections and Investigations.
 - (c) The Office of Security.
 - (d) The Office of the Area Auditor General/Washington.
- 1-212. Agencies or subdivisions under the operational jurisdiction of the Joint Chiefs of Staff (JCS).
- (a) Intelligence Division (J-2), Headquarters Atlantic Command (LANTCOM).
 - (b) Atlantic Command Electronic Intelligence Center.
 - (c) Intelligence Directorate (J-2), Headquarters U.S. European Command (USEUCOM).
 - (d) Special Security Office (SSO), Headquarters U.S. European Command (USEUCOM).
 - (e) European Defense Analysis Center (EUDAC).
 - (f) Intelligence Directorate (J-2), Headquarters Pacific Command (PACOM).
 - (g) Intelligence Center Pacific (IPAC).
 - (h) Intelligence Directorate (J-2), Headquarters U.S. Southern Command (USSOUTHCOM).
 - (i) Intelligence Directorate (J-2), Headquarters U.S. Readiness Command (USREDCOM)/Joint Deployment Agency.
 - (j) Deputy Chief of Staff/Intelligence, Headquarters Strategic Air Command (SAC).

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(k) 544th Strategic Intelligence Wing, Strategic Air Command (SAC).

(l) Deputy Chief of Staff/Intelligence, Headquarters 15th Air Force, Strategic Air Command (SAC).

(m) Deputy Chief of Staff/Intelligence, Headquarters 8th Air Force, Strategic Air Command (SAC).

(n) Strategic Reconnaissance Center, Headquarters Strategic Air Command (SAC).

(o) 6th Strategic Wing, Strategic Air Command (SAC).

(p) 9th Strategic Reconnaissance Wing, Strategic Air Command (SAC).

(q) 55th Strategic Reconnaissance Wing, Strategic Air Command (SAC).

(r) 306th Strategic Wing, Strategic Air Command (SAC).

(s) 376th Strategic Wing, Strategic Air Command (SAC).

(t) Deputy Chief of Staff/Operations Plans, Headquarters Strategic Air Command (SAC).

(u) The Joint Strategic Target Planning Staff (JSTPS).

(v) The Joint Special Operations Command (JSOC).

[Sec. 1-212 added by EO 12338 of Jan. 11, 1982, 47 FR 1369, 3 CFR, 1982 Comp., p. 120; amended by EO 12410 of Mar. 28, 1983, 48 FR 13143, 3 CFR, 1983 Comp., p. 155]

1-213. The subdivisions of the Federal Aviation Administration, Department of Transportation:

(a) Federal Air Marshal Branch, International Civil Aviation Security Division, Office of Civil Aviation Security.

(b) Units composed of Civil Aviation Security Inspectors in Civil Aviation Security divisions whose responsibilities require Federal air marshal functions.

[Sec. 1-213 added by EO 12666 of Jan. 12, 1989, 54 FR 1921]

1-3. *Units outside the 50 States and the District of Columbia.*

1-301. The Drug Enforcement Administration, Department of Justice.

Executive Order 12177—Federal Government pension plans

SOURCE: The provisions of Executive Order 12177 of Dec. 10, 1979, appear at 44 FR 71805, 3 CFR, 1979 Comp., p. 464, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 121(a)(1) of the Budget and Accounting Procedures Act of 1950, as amended (92 Stat. 2541, Public Law 95-595, 31 U.S.C. 68a), and Section 301 of Title 3 of the United States Code, and in order to provide consistency among the financial and actuarial statements of Federal Government pension plans, it is hereby ordered as follows:

1-101. All the functions vested in the President by Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a), are delegated to the Director of the Office of Management and Budget. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

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1-102. The head of an Executive agency responsible for the administration of any Federal Government pension plan within the meaning of Section 123(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68c), except subsection (a)(9) and (b), shall ensure that the administrators of those plans comply with the form, manner, and time of filing as required by the Director of the Office of Management and Budget.

1-103. Subject to the provisions of Section 1-101 of this Order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to the development of the form and content of the annual reports, shall perform the functions set forth in Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a). In performing this function, the Secretary shall also be responsible for consulting with the Comptroller General.

Executive Order 12196—Occupational safety and health programs for Federal employees

SOURCE: The provisions of Executive Order 12196 of Feb. 26, 1980, appear at 45 FR 12769, 3 CFR, 1980 Comp., p. 145, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is ordered:

1-1. Scope of this Order.

1-101. This order applies to all agencies of the Executive Branch except military personnel and uniquely military equipment, systems, and operations.

1-102. For the purposes of this order, the term "agency" means an Executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the judicial and legislative branches. Since section 19 of the Occupational Safety and Health Act ("the Act") covers all Federal employees, however, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the government to help them adopt safety and health programs.

1-2. Heads of Agencies.

1-201. The head of each agency shall:

(a) Furnish to employees places and conditions of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm.

(b) Operate an occupational safety and health program in accordance with the requirements of this order and basic program elements promulgated by the Secretary.

(c) Designate an agency official with sufficient authority to represent the interest and support of the agency head to be responsible for the management and administration of the agency occupational safety and health program.

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(d) Comply with all standards issued under section 6 of the Act, except where the Secretary approves compliance with alternative standards. When an agency head determines it necessary to apply a different standard, that agency head shall, after consultation with appropriate occupational safety and health committees where established, notify the Secretary and provide justification that equivalent or greater protection will be assured by the alternate standard.

(e) Assure prompt abatement of unsafe or unhealthy working conditions. Whenever an agency cannot promptly abate such conditions, it shall develop an abatement plan setting forth a timetable for abatement and a summary of interim steps to protect employees. Employees exposed to the conditions shall be informed of the provisions of the plan. When a hazard cannot be abated without assistance of the General Services Administration or other Federal lessor agency, an agency shall act with the lessor agency to secure abatement.

(f) Establish procedures to assure that no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or other participation in agency occupational safety and health program activities.

(g) Assure that periodic inspections of all agency workplaces are performed by personnel with equipment and competence to recognize hazards.

(h) Assure response to employee reports of hazardous conditions and require inspections within twenty-four hours for imminent dangers, three working days for potential serious conditions, and twenty working days for other conditions. Assure the right to anonymity of those making the reports.

(i) Assure that employee representatives accompany inspections of agency workplaces.

(j) Operate an occupational safety and health management information system, which shall include the maintenance of such records as the Secretary may require.

(k) Provide safety and health training for supervisory employees, employees responsible for conducting occupational safety and health inspections, all members of occupational safety and health committees where established, and other employees.

(l) Submit to the Secretary an annual report on the agency occupational safety and health program that includes information the Secretary prescribes.

1-3. Occupational Safety and Health Committees.

1-301. Agency heads may establish occupational safety and health committees. If committees are established, they shall be established at both the national level and, for agencies with field or regional offices, other appropriate levels. The committees shall be composed of representatives of management and an equal number of nonmanagement employees or their representatives. Where there are exclusive bargaining representatives for employees at the national or other level in an agency, such representatives shall select the appropriate nonmanagement members of the committee.

1-302. The committees shall, except where prohibited by law,

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(a) Have access to agency information relevant to their duties, including information on the nature and hazardousness of substances in agency workplaces.

(b) Monitor performance, including agency inspections, of the agency safety and health programs at the level they are established.

(c) Consult and advise the agency on the operation of the program. 1-303. A Committee may request the Secretary of Labor to conduct an evaluation or inspection pursuant to this order if half of a Committee is not substantially satisfied with an agency's response to a report of hazardous working conditions.

1-4. *Department of Labor.*

1-401. The Secretary of Labor shall:

(a) Provide leadership and guidance to the heads of agencies to assist them with their occupational safety and health responsibilities.

(b) Maintain liaison with the Office of Management and Budget in matters relating to this order and coordinate the activities of the Department with those of other agencies that have responsibilities or functions related to Federal employee safety and health, including the Office of Personnel Management, the Department of Health and Human Services, and the General Services Administration.

(c) Issue, subject to the approval of the Director of the Office of Management and Budget, and in consultation with the Federal Advisory Council on Occupational Safety and Health, a set of basic program elements. The program elements shall help agency heads establish occupational safety and health committees and operate effective occupational safety and health programs, and shall provide flexibility to each agency head to implement a program consistent with its mission, size and organization. Upon request of an agency head, and after consultation with the Federal Advisory Council on Occupational Safety and Health, the Secretary may approve alternate program elements.

(d) Prescribe recordkeeping and reporting requirements.

(e) Assist agencies by providing training materials, and by conducting training programs upon request and with reimbursement.

(f) Facilitate the exchange of ideas and information throughout the government about occupational safety and health.

(g) Provide technical services to agencies upon request, where the Secretary deems necessary, and with reimbursement. These services may include studies of accidents, causes of injury and illness, identification of unsafe and unhealthful working conditions, and means to abate hazards.

(h) Evaluate the occupational safety and health programs of agencies and promptly submit reports to the agency heads. The evaluations shall be conducted through such scheduled headquarters or field reviews, studies or inspections as the Secretary deems necessary, at least annually for the larger or more hazardous agencies or operations, and as the Secretary deems appropriate for the smaller or less hazardous agencies.

(i) Conduct unannounced inspections of agency workplaces when the Secretary determines necessary if an agency does not have occupational safety and health committees; or in response to reports of unsafe or unhealthful working conditions, upon request of occupational safety and health committees under Section 1-3; or, in the case of a report of an imminent danger, when such a committee has not responded to an em-

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ployee who has alleged to it that the agency has not adequately responded to a report as required in 1-201 (h). When the Secretary or his designee performs an inspection and discovers unsafe or unhealthy conditions, a violation of any provisions of this order, or any safety or health standards adopted by an agency pursuant to this order, or any program element approved by the Secretary, he shall promptly issue a report to the head of the agency and to the appropriate occupational safety and health committee, if any. The report shall describe the nature of the findings and may make recommendations for correcting the violation.

(j) Submit to the President each year a summary report of the status of the occupational safety and health of Federal employees, and, together with agency responses, evaluations of individual agency progress and problems in correcting unsafe and unhealthful working conditions, and recommendations for improving their performance.

(k) Submit to the President unresolved disagreements between the Secretary and agency heads, with recommendations.

(l) Enter into agreements or other arrangements as necessary or appropriate with the National Institute for Occupational Safety and Health and delegate to it the inspection and investigation authority provided under this section.

[Sec. 1-401 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-5. *The Federal Advisory Council on Occupational Safety and Health.*

1-501. The Federal Advisory Council on Occupational Safety and Health, established pursuant to Executive Order No. 11612, is continued. It shall advise the Secretary in carrying out responsibilities under this order. The Council shall consist of sixteen members appointed by the Secretary, of whom eight shall be representatives of Federal agencies and eight shall be representatives of labor organizations representing Federal employees. The members shall serve three-year terms with the terms of five or six members expiring each year, provided this Council is renewed every two years in accordance with the Federal Advisory Committee Act. The members currently serving on the Council shall be deemed to be its initial members under this order and their terms shall expire in accordance with the terms of their appointment.

1-502. The Secretary, or a designee, shall serve as the Chairman of the Council, and shall prescribe rules for the conduct of its business.

1-503. The Secretary shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services, and shall perform such functions with respect to the Council as may be required by the Federal Advisory Committee Act, as amended (5 U.S.C. App. I).

1-6. *General Services Administration.*

1-601. Within six months of the effective date of this order the Secretary of Labor and the Administrator of the General Services Administration shall initiate a study of conflicts that may exist in their standards and other requirements affecting Federal employee safety and health, and shall establish a procedure for resolving conflicting standards for space leased by the General Services Administration.

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1-602. In order to assist the agencies in carrying out their duties under Section 19 of the Act and this order the Administrator shall:

(a) Upon request, require personnel of the General Services Administration to accompany the Secretary or an agency head on any inspection or investigation conducted pursuant to this order of a facility subject to the authority of the General Services Administration.

(b) Assure prompt attention to reports from agencies of unsafe or unhealthy conditions of facilities subject to the authority of the General Services Administration; where abatement cannot be promptly effected, submit to the agency head a timetable for action to correct the conditions; and give priority in the allocation of resources available to the Administrator for prompt abatement of the conditions.

(c) Procure and provide safe supplies, devices, and equipment, and establish and maintain a product safety program for those supplies, devices, equipment and services furnished to agencies, including the issuance of Material Safety Data Sheets when hazardous substances are furnished them.

1-7. General Provisions.

1-701. Employees shall be authorized official time to participate in the activities provided for by this order.

1-702. Nothing in this order shall be construed to impair or alter the powers and duties of the Secretary or heads of other Federal agencies pursuant to Section 19 of the Occupational Safety and Health Act of 1970, Chapter 71 of Title 5 of the United States Code, Sections 7901, 7902, and 7903 of Title 5 of the United States Code, nor shall it be construed to alter any other provisions of law or Executive Order providing for collective bargaining agreements and related procedures, or affect the responsibilities of the Director of Central Intelligence to protect intelligence sources and methods (50 U.S.C. 403(d)(3)).

1-703. Executive Order No. 11807 of September 28, 1974, is revoked.

1-704. This Order is effective October 1, 1980.

Sec. 1-704 amended by EO 12223 of June 30, 1980, 45 FR 45235, 3 CFR, 1980 Comp., p. 268]

EDITORIAL NOTE: The Federal Advisory Council on Occupational Safety and Health was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 46901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Secretary of Labor in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12230—Competitive status for special agents of the Drug Enforcement Administration

SOURCE: The provisions of Executive Order 12230 of July 30, 1980, appear at 45 FR 51167, 3 CFR, 1980 Comp., p. 273, unless otherwise noted.

By the authority vested in me as President of the United States of America by Sections 3301 and 3302 of Title 5 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. Criminal investigators of the Drug Enforcement Administration, Department of Justice, who have Schedule A or B appointments

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and who have completed three years of fully satisfactory service may be converted noncompetitively to career or career-conditional appointments, if they meet qualifications and other requirements established by the Director of the Office of Personnel Management.

1-102. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Executive Order 12313—Specification of hostage return date under Hostage Relief Act of 1980

SOURCE: The provisions of Executive Order 12313 of July 13, 1981, appear at 46 FR 36689, 3 CFR, 1981 Comp., p. 160, unless otherwise noted.

By the authority vested in me as President of the United States of America by sections 101(2)(A) and 205(b)(1) of the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967, 1972; 5 U.S.C. 5561 note) (the "Hostage Act"), it is hereby ordered, for the purposes of these sections of the Hostage Act, that January 21, 1981, is specified as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, and were no longer under foreign control.

Executive Order 12353—Charitable fund-raising

SOURCE: The provisions of Executive Order 12353 of Mar. 23, 1982, appear at 47 FR 12785, 3 CFR, 1982 Comp., p. 139, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to support and facilitate fund-raising on behalf of voluntary agencies through on-the-job solicitations of Federal employees and members of the uniformed services, and to ensure that the recipient agencies are responsible in the uses of the monies so raised, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Personnel Management shall make arrangements for voluntary health and welfare agencies to solicit contributions from Federal employees and members of the uniformed services at their places of employment or duty. These arrangements shall take the form of an annual Combined Federal Campaign in which eligible voluntary agencies are authorized to take part.

[Sec. 1 amended by EO 12404 of Feb. 10, 1983, 48 FR 6685, 3 CFR, 1983 Comp., p. 151]

SEC. 2. (a) The Director shall establish criteria for determining the eligibility of voluntary agencies that may participate in each of the annual Combined Federal Campaigns.

(b) In establishing those criteria, the Director shall be guided by the following principles and policies:

(1) The objectives of the Combined Federal Campaign are to lessen the burdens of government and of local communities in meeting needs of human health and welfare; to provide a convenient channel through which Federal public servants may contribute to these efforts; to minimize or eliminate disruption of the Federal workplace and costs to Federal taxpayers that such fund-raising may entail; and to avoid the reality and appearance of the use of Federal resources in aid of fund-raising for

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political activity or advocacy of public policy, lobbying, or philanthropy of any kind that does not directly serve needs of human health and welfare.

(2) To meet these objectives, eligibility for participation in the Combined Federal Campaign shall be limited to voluntary, charitable, health and welfare agencies that provide or support direct health and welfare services to individuals or their families. Such direct health and welfare services must be available to Federal employees in the local campaign solicitation area, unless they are rendered to needy persons overseas. Such services must directly benefit human beings, whether children, youth, adults, the aged, the ill and infirm, or the mentally or physically handicapped. Such services must consist of care, research or education in the fields of human health or social adjustment and rehabilitation; relief of victims of natural disasters and other emergencies; or assistance to those who are impoverished and therefore in need of food, shelter, clothing, education, and basic human welfare services.

(3) Agencies that seek to influence the outcomes of elections or the determination of public policy through political activity or advocacy, lobbying, or litigation on behalf of parties other than themselves shall not be deemed charitable health and welfare agencies and shall not be eligible to participate in the Combined Federal Campaign.

(4) International organizations that provide health and welfare services overseas, and that meet the eligibility criteria except for the local services criterion, shall be eligible to participate in each local solicitation area of the Combined Federal Campaign.

(5) Local voluntary, charitable, health and welfare agencies that are not affiliated with a national agency or federation but that satisfy the eligibility criteria set forth in this Order and by the Director, shall be permitted to participate in the Combined Federal Campaign in the local solicitation areas in which they provide or support direct health and welfare services.

[Sec. 2 amended by EO 12404 of Feb. 10, 1983, 48 FR 6685, 3 CFR, 1983 Comp., p. 151]

SEC. 3. In making arrangements for the Combined Federal Campaign, the Director is authorized, in his discretion, to consult with the Departments and agencies concerned, representatives of the employees and members to be solicited, and, to the extent practicable, representatives of voluntary agencies seeking to participate in a Combined Federal Campaign.

SEC. 4. The arrangements made by the Director shall (a) ensure that all contributions are voluntary, that there is no coercion, and that individuals have the option of disclosing their contribution or keeping it confidential, (b) designate the specific period during which the annual solicitation may be conducted, and (c) permit only one annual solicitation except in cases of emergency or disaster appeals for which specific provision shall be made by the Director.

SEC. 5. Subject to such rules and regulations as he shall prescribe, the Director may authorize a local principal combined fund organization to manage a local Combined Federal Campaign. Such authorization shall, if made, ensure at a minimum that the local principal combined fund organization operates subject to the direction and control of the Director and such local Federal coordinating entities as he may establish; manages the local campaign fairly and equitably; consults with and con-

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siders advice from interested parties and organizations; and publishes reports of its management of the local campaign.

SEC. 6. The forms for the solicitation of funds shall clearly specify the eligible agencies and provide a direct means to designate funds to such agencies. Where allocation of undesignated funds by the local principal combined fund organization is authorized by the Director, prominent notice of the authorization for such allocation shall be provided on the solicitation forms.

SEC. 7. This Order shall not apply to solicitations conducted by organizations composed of civilian employees or members of the uniformed services among their own members for organizational support or for the benefit of welfare funds for their members. Such solicitations shall be conducted under policies and procedures approved by the head of the Department or agency concerned.

SEC. 8. The Director shall prescribe such rules and regulations as may be necessary to implement this Order.

SEC. 9. Executive Order No. 10927, as amended, is revoked. Notwithstanding that revocation, directives issued under that Order shall continue in effect until revoked or modified under the provisions of this Order.

EDITORIAL NOTE: Section 2 of EO 12404 provided that all rules, regulations, and directives continued or issued under EO 12353 would continue in full force and effect until revoked or modified under the provisions of EO 12404.

Executive Order 12362—Overseas employment

SOURCE: The provisions of Executive Order 12362 of May 12, 1982, appear at 47 FR 21231, 3 CFR, 1982 Comp., p. 182, unless otherwise noted.

By the authority vested in me as President of the United States of America by Sections 3301 and 3302 of Title 5 and Section 301 of Title 3 of the United States Code, and in order to permit certain overseas employees to acquire competitive status upon returning to the United States, it is hereby ordered as follows:

SECTION 1. A United States citizen who is a family member of a civilian employee, a nonappropriated fund employee, or of a member of a uniformed service and who has completed a total of 18 months of fully satisfactory service under one or more overseas appointments in the excepted or competitive civil service, may be appointed noncompetitively to a competitive service position in the Executive branch within the United States (including Guam, Puerto Rico and the Virgin Islands) if he or she meets the qualifications and other requirements established by the Director of the Office of Personnel Management and the provisions of this Order. The employing agency in the United States may waive a requirement for a written test for an individual appointed under this Order if the agency determines that the duties and responsibilities of the position occupied overseas were similar enough to those of the position to which the individual is being appointed under this Order to make the written test unnecessary.

[Sec. 1 amended by EO 12585 of Mar. 3, 1987, 52 FR 6773, 3 CFR, 1987 Comp., p. 203]

SEC. 2. In order to be eligible for noncompetitive appointment to positions within the United States under this authority, such an individual must:

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(a) have been appointed to an overseas position or positions while residing in the overseas area under local hire procedures approved by the Director of the Office of Personnel Management;

(b) have completed 18 months of overseas service in an appropriated fund position after January 1, 1980 within a ten year period from the date of initial appointment;

(c) have received a satisfactory or better performance rating for such overseas service;

(d) have been a family member of an appropriate sponsor (a civilian employee, a nonappropriated fund employee, or a member of a uniformed service) while serving in the overseas position or positions;

(e) have accompanied the sponsor on official assignment to an overseas post of duty while serving in the overseas position or positions; and

(f) exercise the eligibility for noncompetitive appointment within three years of returning to the United States, unless a longer period of eligibility is approved by the Office of Personnel Management in a particular case due to hardship.

[Sec. 2 amended by EO 12585 of Mar. 3, 1987, 52 FR 6773, 3 CFR, 1987 Comp., p. 203]

SEC. 3. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this Order, including uniform local hire procedures to assure merit selection of overseas employees.

SEC. 4. To the extent there is any conflict between this Order and Civil Service Rule 8.2 (5 CFR 8.2), the provisions of this Order shall control.

Executive Order 12364—The Presidential Management Intern Program

SOURCE: The provisions of Executive Order 12364 of May 24, 1982, appear at 47 FR 22931, 3 CFR, 1982 Comp., p. 185, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Sections 3301 and 3302 of Title 5 of the United States Code, and in order to provide for the recruitment and selection of outstanding employees for careers in public sector management, it is hereby ordered as follows:

SECTION 1. There is hereby reconstituted the Presidential Management Intern Program. The purpose of the Program is to attract to the Federal service outstanding men and women from a variety of academic disciplines who have a clear interest in, and commitment to, a career in the analysis and management of public policies and programs. Individuals selected for the Program will be known as Presidential Management Interns.

SEC. 2. Eligible individuals are those who have pursued a course of study at the graduate level which demonstrates both an exceptional ability and the commitment stated above. Such individuals at the time of application must have recently received or must expect to receive soon an appropriate advanced degree.

SEC. 3. (a) The Office of Personnel Management shall provide specific guidance as to what constitutes an appropriate advanced degree.

(b) The Office of Personnel Management shall develop appropriate procedures for the recruitment, nomination, screening, placement and

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continuing career development of outstanding individuals possessing the qualifications described above.

(c) In developing those procedures, the Office of Personnel Management shall be guided by the following principles and policies:

(1) The number of new Presidential Management Interns selected shall not exceed four hundred in any fiscal year.

(2) Final placement of Presidential Management Interns shall be made by the head of the department, agency, or component within the Executive Office of the President in which the Intern is to be employed, or by the designee thereof.

(3) Universities and colleges participating in the Program shall make nominations for the Program. In making nominations, they shall establish competitive selection processes and procedures to ensure that all applicants receive careful and thorough review.

(4) The procedures so developed shall provide for such affirmative actions as the Office of Personnel Management deems appropriate to assure equal employment opportunity. The procedures shall also provide for the application of appropriate veterans preference criteria.

[Sec. 3 amended by EO 12645 of July 12, 1988, 53 FR 26750, 3 CFR, 1988 Comp., p. 577]

SEC. 4. (a) Successful candidates shall be appointed as Presidential Management Interns to positions in Schedule A of the excepted service. The appointment shall not exceed two years unless extended by the Federal department or agency, with the concurrence of the Office of Personnel Management, for up to one additional year.

(b) Tenure for the Presidential Management Interns shall be governed by the following principles and policies:

(1) Assigned responsibilities shall be consistent with an Intern's educational background and career interests, and the purposes of this Program.

(2) Continuation in the Program shall be contingent upon satisfactory performance by the Interns throughout the internship period.

(3) Except as provided in subsection (4) of this Section, service as an Intern shall confer no rights to further Federal employment in either the competitive or excepted service upon the expiration of the internship period.

(4) Competitive civil service status may be granted to Interns who satisfactorily complete their internships and meet all other requirements prescribed by the Office of Personnel Management.

SEC. 5. Those individuals who are currently undergoing the process of selection, or who were selected or appointed under the provisions of Executive Order No. 12008 and who have not at this time completed their scheduled period of excepted service, may continue their internships under the terms of this Order.

SEC. 6. The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purposes of this Order.

SEC. 7. Executive Order No. 12008 of August 25, 1977 is revoked.

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Executive Order 12438—Review of increases in rates of basic pay for employees of the Veterans' Administration

SOURCE: The provisions of Executive Order 12438 of Aug. 23, 1983, appear at 48 FR 39205, 3 CFR, 1983 Comp., p. 204, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 4107(g)(4) of title 38 of the United States Code, in order to establish procedures for review of proposed increases in the rates of basic pay of certain employees of the Veterans' Administration, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Personnel Management is designated to exercise the authority vested in the President by Section 112 of Public Law 96-330 (94 Stat. 1037) to review and disapprove increases in the rates of basic pay proposed by the Administrator of Veterans' Affairs and to provide the appropriate Committees of the Congress with a written statement of the reasons for any such disapprovals.

SEC. 2. In exercising this authority, the Director of the Office of Personnel Management shall assure that any increases in basic pay proposed by the Administrator of Veterans' Affairs are in the best interest of the Federal government; do not exceed the amounts authorized by Section 112; and are made only to:

(1) Provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of health-care personnel at non-Federal health-care facilities in the same labor market;

(2) Achieve adequate staffing at particular facilities; or

(3) Recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

SEC. 3. The Administrator of Veterans' Affairs shall provide to the Director of the Office of Personnel Management such information as the Director may request in order to carry out the responsibilities delegated by this Order.

SEC. 4. The Director shall provide the Administrator of Veterans' Affairs with a copy of any written statement, provided to the appropriate committees of the Congress, which sets forth the reasons for disapproval of any proposed increase in rates of basic pay under this Order.

Executive Order 12461—Designating a Federal retirement system under Public Law 98-168

SOURCE: The provisions of Executive Order 12461 of Feb. 17, 1984, appear at 49 FR 6471, 3 CFR, 1984 Comp., p. 160, unless otherwise noted.

By the authority vested in me as President by the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (title II of Public Law 98-168) ("the Act"), it is hereby ordered as follows:

SECTION 1. The District of Columbia Police and Firefighters' Retirement and Disability System, insofar as it applies to Federal employees who are covered under section 203(a)(1) of the Act, is designated a covered retirement system under section 203(a)(2)(D) of the Act. The Secretary of the Treasury is designated the appropriate agency head with respect to such system, under section 205(a)(2)(D) of the Act. In discharging the responsibilities delegated by this Order, the Secretary

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shall be guided by the information and recommendations provided by the Mayor of the District of Columbia.

SEC. 2. This Order shall be effective as of January 1, 1984.

Executive Order 12561—Delegating certain functions of the President relating to Federal civilian employee and contractor travel expenses

SOURCE: The provisions of Executive Order 12561 of July 1, 1986, appear at 51 FR 24299, 3 CFR, 1986 Comp., p. 220, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (Public Law 99-234) ("the Act") and Section 301 of Title 3 of the United States Code, it is ordered as follows:

SECTION 1. [Deleted]

[Sec. 1 amends EO 10621 of July 1, 1955, Chapter 32, p. 572. The amendment has been incorporated into that order.]

SEC. 2. There is hereby delegated to the Secretary of State the authority vested in the President by Section 102(a) of the Act (5 U.S.C. 5702(a)) to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities (including the Trust Territories of the Pacific Islands) in any area situated outside the United States, the Commonwealth of Puerto Rico, and the possessions of the United States.

SEC. 3. Executive Order No. 11294 of August 4, 1966, is revoked.

Executive Order 12564—Drug-free Federal workplace

SOURCE: The provisions of Executive Order 12564 of Sept. 15, 1986, appear at 51 FR 32889, 3 CFR, 1986 Comp., p. 224, unless otherwise noted.

I, RONALD REAGAN, President of the United States of America, find that:

Drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year;

The Federal government, as an employer, is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity;

The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace;

The profits from illegal drugs provide the single greatest source of income for organized crime, fuel violent street crime, and otherwise contribute to the breakdown of our society;

The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public;

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Federal employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

The use of illegal drugs, on or off duty, by Federal employees impairs the efficiency of Federal departments and agencies, undermines public confidence in them, and makes it more difficult for other employees who do not use illegal drugs to perform their jobs effectively. The use of illegal drugs, on or off duty, by Federal employees also can pose a serious health and safety threat to members of the public and to other Federal employees;

The use of illegal drugs, on or off duty, by Federal employees in certain positions evidences less than the complete reliability, stability, and good judgment that is consistent with access to sensitive information and creates the possibility of coercion, influence, and irresponsible action under pressure that may pose a serious risk to national security, the public safety, and the effective enforcement of the law; and

Federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3301(2) of Title 5 of the United States Code, section 7301 of Title 5 of the United States Code, section 290ee-1 of Title 42 of the United States Code, deeming such action in the best interests of national security, public health and safety, law enforcement and the efficiency of the Federal service, and in order to establish standards and procedures to ensure fairness in achieving a drug-free Federal workplace and to protect the privacy of Federal employees, it is hereby ordered as follows:

SECTION 1. *Drug-Free Workplace.*

(a) Federal employees are required to refrain from the use of illegal drugs.

(b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.

(c) Persons who use illegal drugs are not suitable for Federal employment.

SEC. 2. *Agency Responsibilities.*

(a) The head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace with due consideration of the rights of the government, the employee, and the general public.

(b) Each agency plan shall include:

(1) A statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;

(2) Employee Assistance Programs emphasizing high level direction, education, counseling, referral to rehabilitation, and coordination with available community resources;

(3) Supervisory training to assist in identifying and addressing illegal drug use by agency employees;

(4) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and

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(5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order.

SEC. 3. Drug Testing Programs.

(a) The head of each Executive agency shall establish a program to test for the use of illegal drugs by employees in sensitive positions. The extent to which such employees are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.

(b) The head of each Executive agency shall establish a program for voluntary employee drug testing.

(c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:

(1) When there is a reasonable suspicion that any employee uses illegal drugs;

(2) In an examination authorized by the agency regarding an accident or unsafe practice; or

(3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.

(d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

SEC. 4. Drug Testing Procedures.

(a) Sixty days prior to the implementation of a drug testing program pursuant to this Order, agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order without reference to the 60-day notice period.

(b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.

(c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.

(d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines once promulgated.

SEC. 5. Personnel Actions.

(a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.

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(b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, *provided that* such action is not required for an employee who:

(1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order, prior to being identified through other means;

(2) Obtains counseling or rehabilitation through an Employee Assistance Program; and

(3) Thereafter refrains from using illegal drugs.

(c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.

(d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:

(1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or

(2) Does not thereafter refrain from using illegal drugs.

(e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

(f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.

(g) Any action to discipline an employee who is using illegal drugs (including removal from the service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.

(h) Drug testing shall not be conducted pursuant to this Order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of Title 21 of the United States Code received as a result of the operation of drug testing programs established pursuant to this Order.

SEC. 6. *Coordination of Agency Programs.*

(a) The Director of the Office of Personnel Management shall:

(1) Issue government-wide guidance to agencies on the implementation of the terms of this Order;

(2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;

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(3) Develop a model Employee Assistance Program for Federal agencies and assist the agencies in putting programs in place;

(4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and

(5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal work force.

(b) The Attorney General shall render legal advice regarding the implementation of this Order and shall be consulted with regard to all guidelines, regulations, and policies proposed to be adopted pursuant to this Order.

(c) Nothing in this Order shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order within the Intelligence Community, as defined in Executive Order No. 12333, shall be subject to the approval of the head of the affected agency.

SEC. 7. Definitions.

(a) This Order applies to all agencies of the Executive Branch.

(b) For purposes of this Order, the term "agency" means an Executive agency, as defined in 5 U.S.C. 105; the Uniformed Services, as defined in 5 U.S.C. 2101(3) (but excluding the armed forces as defined by 5 U.S.C. 2101(2)); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission, and employing units or authorities in the Judicial and Legislative Branches.

(c) For purposes of this Order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(d) For purposes of this Order, the term "employee in a sensitive position" refers to:

(1) An employee in a position that an agency head designates Special Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position that an agency head designates as sensitive in accordance with Executive Order No. 10450, as amended;

(2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356;

(3) Individuals serving under Presidential appointments;

(4) Law enforcement officers as defined in 5 U.S.C. 8331(20); and

(5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

(e) For purposes of this Order, the term "employee" means all persons appointed in the Civil Service as described in 5 U.S.C. 2105 (but

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excluding persons appointed in the armed services as defined in 5 U.S.C. 2102(2)).

(f) For purposes of this Order, the term "Employee Assistance Program" means agency-based counseling programs that offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs that affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

SEC. 8. *Effective Date.* This Order is effective immediately.

Executive Order 12566—Safety belt use requirements for Federal employees

SOURCE: The provisions of Executive Order 12566 of Sept. 26, 1986, appear at 51 FR 34575, 3 CFR, 1986 Comp., p. 231, unless otherwise noted.

Each year, thousands of lives could be saved and injuries prevented if motorists would use their safety belts. The annual cost to society of these needless deaths and injuries is currently in excess of \$32 billion. Taxpayers bear a large share of this cost. The estimated annual cost to Federal, State, and local governments as a result of auto accidents is \$11 billion. I have determined that an on-the-job safety belt use policy for Federal employees will reduce human pain and suffering, set an example for the private sector, and reduce the burden on the taxpayers caused by motor vehicle accidents.

Accordingly, by the authority vested in me as President by the Constitution and laws of the United States of America, including Section 7902(c) of Title 5 of the United States Code and Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

SECTION 1. *Policy.* Each Federal employee occupying the front seat of a motor vehicle on official business, whose seat is equipped with a safety belt, shall have the safety belt properly fastened at all times when the vehicle is in motion.

SEC. 2. *Scope of Order.* All agencies of the Executive branch are directed to promulgate rules and take all appropriate measures within their existing employee occupational safety and health programs to carry out the purposes of this Order. This includes, but is not limited to, conducting an education program for employees about the requirements of this Order. The term "agency" as used in this Order means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government, other than those of the Legislative and Judicial branches. The Secretary of Labor shall cooperate and consult with the heads of agencies in the Legislative and Judicial branches of the Government to encourage and help them adopt safety belt use programs. The Secretary of Labor shall also submit an annual report to the President that includes the status of on-the-job belt use by Federal employees.

SEC. 3. *Coordination.* The Secretary of Transportation shall provide leadership and guidance to the heads of agencies to assist them with the employee safety belt programs established pursuant to this Order.

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SEC. 4. *Other powers and duties.* (a) Nothing in this Order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to Section 19 of the Occupational Safety and Health Act of 1970, or to Sections 7901, 7902, and 7903 of Title 5 of the United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act.

(b) The Secretary of Defense shall be responsible for implementation of all provisions of this Order insofar as they apply to military personnel of the Department of Defense.

SEC. 5. *Causes of Action.* Nothing in this Order shall be construed to create a new cause of action against the United States or to alter in any way the United States' liability under the Federal Tort Claims Act.

Executive Order 12589—Transfer of annual and sick leave of Federal employees

SOURCE: The provisions of Executive Order 12589 of Mar. 18, 1987, appear at 52 FR 8861, 3 CFR, 1987 Comp., p. 217, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Title VII, Section 701(d) of the Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes, as contained in Section 101(m) of Public Laws 99-500 and 99-591, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Personnel Management is hereby delegated authority to prepare and submit to the Congress a report concerning the desirability, feasibility, and cost, if any, of permitting Federal employees voluntarily to donate annual and sick leave for the use of other Federal employees who need such leave for medical or family emergency or other hardship situations.

SEC. 2. The authority of the President to prescribe regulations under Section 701(d)(1) of Public Law 99-500 and Section 701(d)(1) of Public Law 99-591, governing a temporary program for the transfer of unused accrued leave in not more than three cases, is hereby delegated to the Director of the Office of Personnel Management.

Executive Order 12596—Noncompetitive conversion to career status of certain employees in Professional and Administrative Career positions

SOURCE: The provisions of Executive Order 12596 of May 7, 1987, appear at 52 FR 17537, 3 CFR, 1987 Comp., p. 229, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including sections 3301 and 3302 of title 5 of the United States Code, it is hereby ordered as follows:

SECTION 1. An individual who is employed in a Professional or Administrative Career position under Schedule B under the authority of 5 C.F.R. 213.3202(f) may be converted noncompetitively to a career or career-conditional appointment at GS-9, provided the individual meets the qualifications and other requirements established by the Director of the Office of Personnel Management, and further provided the individ-

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al's performance is determined by the employing agency, in a careful and formal evaluation, to warrant such conversion a. GS-9.

SEC. 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this Order.

CHAPTER 6—[RESERVED]

CHAPTER 7—AGRICULTURE

Executive Orders

- 11336 Delegating to the Secretary of Agriculture certain authority relating to emergency livestock feed
- 11957 Designation of certain officers to act as Secretary of Agriculture
- 12246 Food Security Wheat Reserve
- 12540 Grazing fees

Executive Order 11336—Delegating to the Secretary of Agriculture certain authority relating to emergency livestock feed

SOURCE: The provisions of Executive Order 11336 of Mar. 22, 1967, appear at 32 FR 4489, 3 CFR, 1966-1970 Comp., p. 629, unless otherwise noted.

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) The Secretary of Agriculture is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by clause (1) of the fifth sentence of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), to the extent prescribed in subsection (b) of this section.

(b) Whenever the Secretary of Agriculture determines that the chronic economic distress of the needy members of an Indian tribe is materially increased by severe drought, flood, hurricane, blizzard, or other uncontrollable catastrophe affecting any reservation or other land designated for Indian use which is utilized by members of such tribe for grazing livestock, he may, under subsection (a) of this section, declare such reservation or other land to be an acute distress area because of unemployment or other economic reasons if he finds that the use of farm commodities or the products thereof made available by the Commodity Credit Corporation for livestock feed in that area will not displace or interfere with normal marketing of agricultural commodities.

SEC. 2. Federal assistance in relieving distress, extended as a result of action by the Secretary of Agriculture under the authority delegated by

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section 1 of this order, shall terminate in each instance upon notice by the Secretary of Agriculture.

SEC. 3. In carrying out the provisions of this order the Secretary of Agriculture shall maintain liaison with the Secretary of the Interior and shall consult with the latter as may be appropriate.

SEC. 4. The declaration contained in the letter of the President to the Secretary of Agriculture, dated February 1, 1965, that reservation lands in Arizona, Utah and New Mexico, which are grazed in common by Indian tribes, are an acute distress area shall continue in effect until January 1, 1968, or until such earlier date as may be fixed by notice of the Secretary of Agriculture published in the FEDERAL REGISTER.

Executive Order 11957—Designation of certain officers to act as Secretary of Agriculture

SOURCE: The provisions of Executive Order 11957 of Jan. 13, 1977, appear at 42 FR 3295, 3 CFR, 1977 Comp., p. 79, unless otherwise noted.

By virtue of the authority vested in me by Section 3347 of Title 5 and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, both the Secretary of Agriculture and the Deputy Secretary of Agriculture are not available to exercise the powers or perform the duties of the Office of Secretary, the officers from the Department of Agriculture whose appointments are vested in the President, by and with the advice and consent of the Senate, shall act as Secretary in such order as the Secretary of Agriculture may from time to time prescribe. If no such order of succession is in effect at that time, then such officers shall act as Secretary in the descending order of rank, as established by the listing of their offices in Sections 5314, 5315 or 5316 of Title 5 of the United States Code and, at each level of the Executive Schedule, in the order in which they shall have taken oath as such officers.

SEC. 2. Executive Order No. 11793 of July 10, 1974, is hereby revoked.

Executive Order 12266—Food Security Wheat Reserve

SOURCE: The provisions of Executive Order 12266 of Jan. 15, 1981, appear at 46 FR 4667, 3 CFR, 1981 Comp., p. 94, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 302(a) of the Food Security Wheat Reserve Act of 1980 (Title III of the Agricultural Act of 1980 (Public Law 96-494)), it is hereby ordered as follows:

1-101. There is hereby established a Food Security Wheat Reserve composed of a reserve stock of wheat, which shall not exceed four million metric tons.

1-102. The Secretary of Agriculture is responsible for designating, in accordance with Section 302 of the Food Security Wheat Reserve Act of 1980, the specific reserve stocks of wheat which shall comprise the Food Security Wheat Reserve.

Chapter 7—Agriculture

Executive Order 12548—Grazing fees

SOURCE: The provisions of Executive Order 12548 of Feb. 14, 1986, appear at 51 FR 5985, 3 CFR, 1986 Comp., p. 188, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide for establishment of appropriate fees for the grazing of domestic livestock on public rangelands, it is ordered as follows:

SECTION 1. *Determination of Fees.* The Secretaries of Agriculture and the Interior are directed to exercise their authority, to the extent permitted by law under the various statutes they administer, to establish fees for domestic livestock grazing on the public rangelands which annually equals the \$1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Statistical Reporting Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100; *provided*, that the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 percent of the previous year's fee, and *provided further*, that the fee shall not be less than \$1.35 per animal unit month.

SEC. 2. *Definitions.* As used in this Order, the term:

(a) "Public rangelands" has the same meaning as in the Public Rangelands Improvement Act of 1978 (Public Law 95-514);

(b) "Forage Value Index" means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the Statistical Reporting Service from the June Enumerative Survey) divided by \$3.65 and multiplied by 100;

(c) "Beef Cattle Price Index" means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the Statistical Reporting Service) divided by \$22.04 per hundred weight and multiplied by 100; and

(d) "Prices Paid Index" means the following selected components from the Statistical Reporting Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parentheses to reflect livestock production costs in the Western States: 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

SEC. 3. Any and all existing rules, practices, policies, and regulations relating to the administration of the formula for grazing fees in section 6(a) of the Public Rangelands Improvement Act of 1978 shall continue in full force and effect.

SEC. 4. This Order shall be effective immediately.

CHAPTER 8—ALIENS AND NATIONALITY

Proclamations

- 2483 Removal of alien enemies
- 3004 Control of persons leaving or entering the United States
- 4863 High seas interdiction of illegal aliens
- 5377 Suspension of entry as nonimmigrants by officers or employees of the Government of Cuba or the Communist Party of Cuba
- 5517 Suspension of Cuban immigration
- 5829 Suspension of entry as immigrants and nonimmigrants of persons who formulate or implement the policies of the Noriega/Solis Palma regime

Executive Orders

- 11077 Administration of the Migration and Refugee Assistance Act of 1962
- 12081 Termination of expeditious naturalization based on military service
- 12172 Delegation of authority with respect to entry of certain aliens into the United States
- 12208 Consultations on the admission of refugees
- 12304 Interdiction of illegal aliens
- 12341 Cuban and Haitian entrants
- 12982 Naturalization requirements exceptions for aliens and non-citizen nationals of the United States who served in the Grenada campaign

Proclamation 2685—Removal of alien enemies

SOURCE: The provisions of Proclamation 2685 of Apr. 10, 1946, appear at 11 FR 4079, 3 CFR, 1943-1948 Comp., p. 79, unless otherwise noted.

WHEREAS sections 4067 and 4068 of the Revised Statutes of the United States (50 U.S.C. 21 and 22) make provision relative to the restraint and removal from the United States of alien enemies in the interest of public safety; and

WHEREAS the Congress by joint resolutions approved by the President on December 8 and 11, 1941, and June 5, 1942, declared the existence of a state of war between the United States on the one hand and Japan, Germany, Italy, Bulgaria, Hungary, and Rumania on the other hand; and

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WHEREAS in accordance with Resolution XVII of the Conference of Foreign Ministers at Rio de Janeiro adopted on January 28, 1942, and subsequently by undertakings based upon Resolution XX of the Emergency Advisory Committee for Political Defense adopted at Montevideo on May 21, 1943, there has been assumed by the Government of the United States responsibility for the restraint and repatriation of certain dangerous alien enemies brought to the United States from other of the American republics in the interest of the security of the Western Hemisphere; and

WHEREAS by Resolution VII of the Inter-American Conference on Problems of War and Peace adopted at Mexico City on March 8, 1945, the American republics recommended the adoption of measures to prevent any person whose deportation should be deemed necessary for reasons of security of the continent from further residing in this hemisphere, if such residence would be prejudicial to the future security or welfare of the Americas; and

WHEREAS I find it necessary in the light of the commitments of the Government and in the interest of national defense and public safety to prescribe regulations additional and supplemental to all other regulations affecting the restraint and removal of alien enemies:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the Revised Statutes of the United States, do hereby prescribe and proclaim the following regulations, additional and supplemental to all other regulations affecting the restraint and removal of alien enemies:

1. All alien enemies within the continental limits of the United States brought here from other American republics after December 7, 1941, who are within the territory of the United States without admission under the immigration laws, shall, if their continued residence in the Western Hemisphere is deemed by the Secretary of State to be prejudicial to the future security or welfare of the Americas, be subject upon the order of the Secretary of State to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Secretary of State may prescribe.

2. In all cases in which the Secretary of State shall have ordered the removal of an alien enemy under the authority of this proclamation or in which the Attorney General shall have ordered the removal of an alien enemy under the authority of Proclamation No. 2655 of July 14, 1945, thirty days shall be considered, and is hereby declared to be, a reasonable time for such alien enemy to effect the recovery, disposal, and removal of his goods and effects, and for his departure.

3. This proclamation supersedes Proclamation No. 2662 of September 8, 1945, entitled "Removal of Alien Enemies."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of April in the year of our Lord nineteen hundred and forty-six, and of the Independence of the United States of America the one hundred and seventieth.

Chapter 8—Aliens and Nationality

Proclamation 3004—Control of persons leaving or entering the United States

SOURCE: The provisions of Proclamation 3004 of Jan. 17, 1953, appear at 18 FR 489, 3 CFR, 1949-1953 Comp., p. 180, unless otherwise noted.

WHEREAS section 215 of the Immigration and Nationality Act, enacted on June 27, 1952 (Public Law 414, 82nd Congress; 66 Stat. 163, 190), authorizes the President to impose restrictions and prohibitions in addition to those otherwise provided by that Act upon the departure of persons from, and their entry into, the United States when the United States is at war or during the existence of any national emergency proclaimed by the President or, as to aliens, whenever there exists a state of war between or among two or more states, and when the President shall find that the interests of the United States so require; and

WHEREAS the national emergency the existence of which was proclaimed on December 16, 1950, by Proclamation 2914 still exists;¹ and

WHEREAS because of the exigencies of the international situation and of the national defense then existing Proclamation No. 2523 of November 14, 1941, imposed certain restrictions and prohibitions, in addition to those otherwise provided by law, upon the departure of persons from and their entry into the United States; and

WHEREAS the exigencies of the international situation and of the national defense still require that certain restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from and their entry into the United States:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by section 215 of the Immigration and Nationality Act and by section 301 of title 3 of the United States Code, do hereby find and publicly proclaim that the interests of the United States require that restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from, and their entry into, the United States; and I hereby prescribe and make the following rules, regulations, and orders with respect thereto:

1. The departure and entry of citizens and nationals of the United States from and into the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, shall be subject to the regulations prescribed by the Secretary of State and published as sections 53.1 to 53.9, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

2. The departure of aliens from the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, shall be subject to the regula-

¹ EDITORIAL NOTE: Pub. L. 94-412 (90 Stat. 1255, 50 U.S.C. 1601) terminated, effective Sept. 14, 1978, all powers and authorities, except those expressly cited, possessed by the President and/or other Federal officials as a result of any declaration of a national emergency in effect on Sept. 14, 1976.

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tions prescribed by the Secretary of State, with the concurrence of the Attorney General, and published as sections 53.61 to 53.71, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

3. The entry of aliens into the Canal Zone and American Samoa shall be subject to the regulations prescribed by the Secretary of State, with the concurrence of the Attorney General, and published as sections 53.21 to 53.41, inclusive, of title 22 of the Code of Federal Regulations. Such regulations are hereby incorporated into and made a part of this proclamation; and the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to revoke, modify, or amend such regulations as he may find the interests of the United States to require.

4. Proclamation No. 2523 of November 14, 1941, as amended by Proclamation No. 2850 of August 17, 1949, is hereby revoked, but such revocation shall not affect any order, determination, or decision relating to an individual, or to a class of individuals, issued in pursuance of such proclamations prior to the revocation thereof, and shall not prevent prosecution for any offense committed, or the imposition of any penalties or forfeitures, liability for which was incurred under such proclamations prior to the revocation thereof; and the provisions of this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, shall be in addition to, and shall not be held to revoke, supersede, modify, amend, or suspend, any other proclamation, rule, regulation, or order heretofore issued relating to the departure of persons from, or their entry into, the United States; and compliance with the provisions of this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, shall not be considered as exempting any individual from the duty of complying with the provisions of any other statute, law, proclamation, rule, regulation, or order heretofore enacted or issued and still in effect.

5. I hereby direct all departments and agencies of the Government to cooperate with the Secretary of State in the execution of his authority under this proclamation and any subsequent proclamation, rule, regulation, or order issued in pursuance hereof; and such departments and agencies shall upon request make available to the Secretary of State for that purpose the services of their respective officials and agents. I enjoin upon all officers of the United States charged with the execution of the laws thereof the utmost diligence in preventing violations of section 215 of the immigration and Nationality Act and this proclamation, including the regulations of the Secretary of State incorporated herein and made a part hereof, and in bringing to trial and punishment any persons violating any provision of that section or of this proclamation.

To the extent permitted by law, this proclamation shall take effect as of December 24, 1952.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of January in the year of our Lord nineteen hundred and fifty-three and of the Independ-

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ce of the United States of America the one hundred and seventy-seventh.

Proclamation 4865—High seas interdiction of illegal aliens

SOURCE: The provisions of Proclamation 4865 of Sept. 29, 1981, appear at 46 FR 107, 3 CFR, 1981 Comp., p. 50, unless otherwise noted.

The ongoing migration of persons to the United States in violation of our laws is a serious national problem detrimental to the interests of the United States. A particularly difficult aspect of the problem is the continuing illegal migration by sea of large numbers of undocumented persons into the southeastern United States. These arrivals have severely strained the law enforcement resources of the Immigration and Naturalization Service and have threatened the welfare and safety of communities in that region.

As a result of our discussions with the Governments of affected foreign countries and with agencies of the Executive Branch of our Government, I have determined that new and effective measures to curtail these unlawful arrivals are necessary. In this regard, I have determined that international cooperation to intercept vessels trafficking in illegal migrants is a necessary and proper means of insuring the effective enforcement of our laws.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States, including Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), in order to protect the sovereignty of the United States, and in accordance with cooperative arrangements with certain foreign governments, and having found that the entry of undocumented aliens, arriving at the borders of the United States from the high seas, is detrimental to the interests of the United States, do proclaim that:

The entry of undocumented aliens from the high seas is hereby suspended and shall be prevented by the interdiction of certain vessels carrying such aliens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Proclamation 5377—Suspension of entry as nonimmigrants by officers or employees of the Government of Cuba or the Communist Party of Cuba

SOURCE: The provisions of Proclamation 5377 of Oct. 4, 1985, appear at 50 FR 41329, 3 CFR, 1985 Comp., p. 273, unless otherwise noted.

In light of the current state of relations between the United States and Cuba, including the May 20, 1985, statement that the Government of Cuba had decided "to suspend all types of procedures regarding the execution" of the December 14, 1984, immigration agreement between the United States and Cuba, thereby disrupting normal migration procedures between the two countries, I have determined that it is in the in-

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terest of the United States to impose certain restrictions on entry into the United States of officers or employees of the Government of Cuba or the Communist Party of Cuba.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), having found that the unrestricted entry of officers or employees of the Government of Cuba or the Communist Party of Cuba into the United States would, except as provided in Section 2, be detrimental to the interests of the United States, do proclaim that:

SECTION 1 Entry of the following classes of Cuban nationals as non-immigrants is hereby suspended: (a) officers or employees of the Government of Cuba or the Communist Party of Cuba holding diplomatic or official passports; and (b) individuals who, notwithstanding the type of passport that they hold, are considered by the Secretary of State or his designee to be officers or employees of the Government of Cuba or the Communist Party of Cuba.

SEC. 2. The suspension of entry as nonimmigrants set forth in Section 1 shall not apply to officers or employees of the Government of Cuba or the Communist Party of Cuba: (a) entering for the exclusive purpose of conducting official business at the Cuban Interests Section in Washington; at the Cuban Mission to the United Nations in New York; or at the United Nations in New York when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; (b) in the case of experts on a mission of the United Nations and in the case of individuals coming to the United States on official United Nations business as representatives of nongovernmental organizations when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; or (c) in such other cases or categories of cases as may be designated from time to time by the Secretary of State or his designee.

SEC. 3. This Proclamation shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Oct., in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Proclamation 5517—Suspension of Cuban immigration

SOURCE: The provisions of Proclamation 5517 of Aug. 22, 1986, appear at 51 FR 30470, 3 CFR, 1986 Comp., p. 102, unless otherwise noted.

In light of the May 20, 1985, statement of the Government of Cuba that it had decided "to suspend all types of procedures regarding the execution" of the December 14, 1984, immigration agreement between the United States and Cuba, thereby disrupting normal migration procedures between the two countries, and in light of the continuing failure of the Government of Cuba to resume normal migration procedures with the United States while at the same time facilitating illicit migration to the United States, I have determined that it is in the interest of the United States to suspend entry into the United States as immigrants

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by all Cuban nationals, with the exceptions noted below, pending the restoration of normal migration procedures between the two countries.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including Section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)) ("the Act"), having found that the unrestricted entry into the United States as immigrants by Cuban citizens would, except as provided in Section 2, be detrimental to the interests of the United States, do proclaim that:

SECTION 1. Entry of Cuban nationals as immigrants is hereby suspended, except as noted in Section 2.

SEC. 2. The suspension of entry as immigrants contained in Section 1 shall not apply: (a) to Cuban nationals applying for admission to the United States as immediate relatives under Section 201(b) of the Act (8 U.S.C. 1151(b)) and special immigrants described in Section 1101(a)(27)(A) of the Act (8 U.S.C. 101(a)(27)(A)); (b) to Cuban nationals applying for admission into the United States as preference immigrants under Section 203(a) of the Act (8 U.S.C. 1153(a)) at United States consular posts designated by the Secretary of State for the processing of Cuban nationals, where the applicant can demonstrate that he or she departed Cuba prior to the date of this proclamation, has remained outside Cuba since that date, and otherwise qualified for preference immigrants status; and (c) in such other cases or categories of cases as may be designated from time to time by the Secretary of State or his designee.

SEC. 3. This proclamation shall be effective immediately and shall remain in effect until such time as the Secretary of State, after consultation with the Attorney General, determines that normal migration procedures with Cuba have been restored. Any such determination by the Secretary of State shall be published in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of August, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Proclamation 5829—Suspension of entry as immigrants and nonimmigrants of persons who formulate or implement the policies of the Noriega/Solis Palma regime

SOURCE: The provisions of Proclamation 5829 of June 10, 1988, appear at 53 FR 22289, 3 CFR, 1988 Comp., p. 88, unless otherwise noted.

In light of the current political and economic crisis in Panama and the actions of Manuel Antonio Noriega and Manuel Solis Palma and their forces that engendered this crisis and are preventing the legitimate government of President Eric Arturo Delvalle from restoring order and democracy to that country, I have determined that it is in the interests of the United States to restrict the entrance into the United States as immigrants and nonimmigrants of certain persons who formulate or implement the policies of Manuel Antonio Noriega and Manuel Solis Palma.

NOW, THEREFORE, I, RONALD REAGAN, by the power vested in me as President by the Constitution and laws of the United

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States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), having found that the unrestricted immigrant and nonimmigrant entry of officers and employees who formulate or implement the policies of Manuel Antonio Noriega and Manuel Solis Palma would, except as provided for in Section 2 of this Proclamation, be detrimental to the interests of the United States, do proclaim that:

SECTION 1. The entry into the United States as immigrants and nonimmigrants of Panamanian nationals (and their immediate families), who formulate or implement the policies of Manuel Antonio Noriega and Manuel Solis Palma and who are designated by the Secretary of State or his designee, is hereby suspended.

SEC. 2. Nothing in this Proclamation shall be construed (1) to derogate from United States Government obligations under applicable international agreements or (2) to prohibit the entry into the United States of individuals for the purpose of submitting to legal proceedings initiated by the United States Government.

SEC. 3. This Proclamation is effective immediately and shall remain in effect until such time as the Secretary of State determines that democracy has been restored in Panama.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Executive Order 11077—Administration of the Migration and Refugee Assistance Act of 1962

SOURCE: The provisions of Executive Order 11077 of Jan. 22, 1963, appear at 28 FR 629, 3 CFR, 1959-1963 Comp., p. 698, unless otherwise noted.

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962 (76 Stat. 121-124; hereinafter referred to as the Act), and as President of the United States, it is ordered as follows:

SECTION 1. *Department of State.* (a) The Secretary of State is hereby designated to perform the following:

(1) The functions provided for in Sections 2(a) and 2(b)(1) of the Act.

(2) The functions provided for in Section 2(b)(2) of the Act, exclusive of so much thereof as is assigned or reserved by the provisions of Section 2(1) of this order.

(3) In connection with functions under the Act assigned to the Secretary of State, the functions provided for in Sections 3(a), 4(b), and 5(a) of the Act.

(b) The Secretary of State shall from time to time furnish the President documents appropriate for the discharge by the President of his responsibilities under Section 2(d) of the Act.

(c) With due regard for other relevant considerations (including the interests of any other executive agencies which may be concerned), the Secretary of State shall assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States.

(d) Funds appropriated or otherwise made available to the President for the United States Emergency Refugee and Migration Assistance

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Fund established by Section 2(c) of the act (22 U.S.C. 2601) shall be deemed to be allocated without further action of the President to the Secretary of State, and the Secretary may allocate or transfer, as appropriate, such funds to any agency, or part thereof, for obligation or expenditure consistent with the provisions of this order, the act, and other applicable law: *Provided*, That such funds may not be transferred, obligated, or expended until the President shall have made the determinations provided for in Section 2(c)(1) of the act, which determinations are reserved to the President, and the designations and determinations provided for in Section 2(b)(2) of the act.

[Sec. 1 amended by EO 11922 of June 16, 1976, 41 FR 24573, 3 CFR, 1976 Comp., p. 131; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. *Redelegation.* (a) The Secretary of State may redelegate any of his functions under this order to any of his subordinates.

(b) The Secretary of State may assign to the head of any executive department or to the head of any other agency of the executive branch of the Government, with the consent of the head of the department or agency concerned, the performance of any function of the Secretary under this order whenever he deems that such action would be advantageous to the Government.

[Former sec. 2 revoked, secs. 3-7 renumbered 2-6, and new sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. *Waivers.* (a) In accordance with Section 3(b) of the Act, it is hereby determined that it is in furtherance of the purposes of the Act that the functions authorized under the Act may be performed (by any department or agency of the Government authorized to perform those functions) without regard to the following-specified provisions of law:

(1) The Act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U.S.C. 616a) (shipment of certain exports in United States vessels).

(2) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(3) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(4) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(5) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(6) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(7) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(8) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies con-

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cerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 4. *Definition.* As used in this order, the word "function" or "functions" includes any executive duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 5. *Saving provisions.* Except to the extent that they may be inconsistent with law or with this order, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 6. *Effective date.* The provisions of this order shall be effective as of July 1, 1962.

Executive Order 12081—Termination of expeditious naturalization based on military service

SOURCE: The provisions of Executive Order 12081 of Sept. 18, 1978, appear at 43 FR 42237, 3 CFR, 1978 Comp., p. 225, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 329 of the Immigration and Nationality Act, as amended by the Sections 1 and 2 of the Act of October 24, 1965 (82 Stat. 1343; 8 U.S.C. 1440), and by the authority of Section 3 of that Act of October 24, 1968 (82 Stat. 1344; 8 U.S.C. 1440e), it is hereby ordered that the statutory period of Vietnam hostilities which began on February 28, 1961, shall be deemed to have terminated on October 15, 1978, for the purpose of ending the period in which active-duty service in the Armed Forces qualifies for certain exceptions from the usual requirements for naturalizations, including length of residence and fees.

Executive Order 12172—Delegation of authority with respect to entry of certain aliens into the United States

SOURCE: The provisions of Executive Order 12172 of Nov. 26, 1979, appear at 44 FR 67947, 3 CFR, 1979 Comp., p. 461, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including the Immigration and Nationality Act, as amended, 8 USC 1185 and 3 USC 301, it is hereby ordered as follows:

SECTION 1-101. *Delegation of Authority.* The Secretary of State and the Attorney General are hereby designated and empowered to exercise in respect of Iranians the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185), to prescribe limitations and exceptions on the rules and regulations governing the entry of aliens into the United States.

[Sec. 1-101 amended by EO 12206 of Apr. 7, 1980, 45 FR 24101, 3 CFR, 1980 Comp., p. 249]

SEC. 1-102. *Effective Date.* This order is effective immediately.

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Executive Order 12208—Consultations on the admission of refugees

SOURCE: The provisions of Executive Order 12208 of Apr. 15, 1980, appear at 45 FR 5789, 3 CFR, 1980 Comp., p. 251, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Refugee Act of 1980 (P.L. 96-212; 8 U.S.C. 1101 note), the Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are hereby delegated the following functions:

(a) To the Secretary of State and the Attorney General, or either of them, the functions of initiating and carrying out appropriate consultations with members of the Committees on the Judiciary of the Senate and of the House of Representatives for purposes of Sections 101(a)(42)(B) and 207 (a), (b), (d), and (e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(42)(B) and 1157 (a), (b), (d), and (e)).

(b) To the United States Coordinator for Refugee Affairs, the functions of reporting and carrying on periodic discussions under section 207(d)(1) of the Immigration and Nationality Act, as amended.

1-102. (a) The functions vested in the United States Coordinator for Refugee Affairs by Section 1-101(b) of this Order shall be carried out in consultation with the Secretary of State, the Attorney General, and the Secretary of Health and Human Services.

(b) The United States Coordinator shall notify the Committees on the Judiciary of the Senate and of the House of Representatives that the Secretary of State and the Attorney General, or either of them, wish to consult for the purposes of Section 207 (a), (b), or (d) of the Immigration and Nationality Act, as amended. The United States Coordinator for Refugee Affairs shall, in accord with his responsibilities under Section 301 of the Refugee Act of 1980 (8 U.S.C. 1525), prepare for those Committees the information required by 207(e) of the Immigration and Nationality Act, as amended.

[Sec. 1-102 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-103. There are reserved to the President the following functions under the Immigration and Nationality Act, as amended:

(a) To specify special circumstances for purposes of qualifying persons as refugees under Section 101(a)(42)(B).

(b) To make determinations under Sections 207(a)(1), 207(a)(2), 207(a)(3) and 207(b).

(c) To fix the number of refugees to be admitted under Section 207(b).

1-104. Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.

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Executive Order 12324—Interdiction of illegal aliens

SOURCE: The provisions of Executive Order 12324 of Sept. 29, 1981, appear at 46 FR 48109, 3 CFR, 1981 Comp., p. 180, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), in view of the continuing problem of migrants coming to the United States, by sea, without necessary entry documents, and in order to carry out the suspension and interdiction of such entry which have concurrently been proclaimed, it is hereby ordered as follows:

SECTION 1 The Secretary of State shall undertake to enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purpose of preventing illegal migration to the United States by sea.

SEC. 2. (a) The Secretary of the Department in which the Coast Guard is operating shall issue appropriate instructions to the Coast Guard in order to enforce the suspension of the entry of undocumented aliens and the interdiction of any defined vessel carrying such aliens.

(b) Those instructions shall apply to any of the following defined vessels:

(1) Vessels of the United States, meaning any vessel documented under the laws of the United States, or numbered as provided by the Federal Boat Safety Act of 1971, as amended (46 U.S.C. 1451 *et seq.*), or owned in whole or in part by the United States, a citizen of the United States, or a corporation incorporated under the laws of the United States or any State, Territory, District, Commonwealth, or possession thereof, unless the vessel has been granted nationality by a foreign nation in accord with Article 5 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(2) Vessels without nationality or vessels assimilated to vessels without nationality in accordance with paragraph (2) of Article 6 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(3) Vessels of foreign nations with whom we have arrangements authorizing the United States to stop and board such vessels.

(c) Those instructions to the Coast Guard shall include appropriate directives providing for the Coast Guard:

(1) To stop and board defined vessels, when there is reason to believe that such vessels are engaged in the irregular transportation of persons or violations of United States law or the law of a country with which the United States has an arrangement authorizing such action.

(2) To make inquiries of those on board, examine documents and take such actions as are necessary to establish the registry, condition and destination of the vessel and the status of those on board the vessel.

(3) To return the vessel and its passengers to the country from which it came, when there is reason to believe that an offense is being committed against the United States immigration laws, or appropriate laws of a foreign country with which we have an arrangement to assist; provided, however, that no person who is a refugee will be returned without his consent.

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(d) These actions, pursuant to this Section, are authorized to be undertaken only outside the territorial waters of the United States.

SEC. 3. The Attorney General shall, in consultation with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, take whatever steps are necessary to ensure the fair enforcement of our laws relating to immigration (including effective implementation of this Executive Order) and the strict observance of our international obligations concerning those who genuinely flee persecution in their homeland.

Executive Order 12341—Cuban and Haitian entrants

SOURCE: The provisions of Executive Order 12341 of Jan. 21, 1982, appear at 47 FR 3341, 2 CFR, 1982 Comp., p. 127, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by Sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

SEC. 2. The Attorney General shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

SEC. 3. All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

SEC. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

Executive Order 12582—Naturalization requirements exceptions for aliens and non-citizen nationals of the United States who served in the Grenada campaign

SOURCE: The provisions of Executive Order 12582 of Feb. 2, 1987, appear at 52 FR 3395, 3 CFR, 1987 Comp., p. 201, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 1440 of Title 8, United States Code, and in order to provide expedited naturalization for aliens and non-citizens who served in the Armed Forces in the Grenada campaign, it is hereby ordered as follows:

For the purpose of determining qualification for the exceptions from the usual requirements for naturalization, the period of Grenada military operations in which the Armed Forces of the United States were engaged in armed conflict with a hostile foreign force commenced on October 25, 1983, and terminated on November 2, 1983. Those persons serving honorably in active-duty status in the Armed Forces of the United States during this period, in the Grenada campaign, are eligible for naturalization in accordance with the statutory exceptions to the

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naturalization requirements, as provided in Section 1440(b) of Title 8, United States Code. Qualifying active-duty service includes service conducted, during this period, on the islands of Grenada, Carriacou, Green Hog, and those islands adjacent to Grenada in the Atlantic Sea-board where such service was in direct support of the military operations in Grenada. Qualifying active-duty service during this period also includes service conducted in the air space above Grenada, in the adjacent seas where operations were conducted, and at the Grantly Adams International Airport in Barbados.

CHAPTER 9—SCIENCE AND TECHNOLOGY

Executive Orders

- 2859 National Research Council of the National Academy of Sciences
- 10521 Administration of scientific research by agencies of the Federal Government
- 10910 Providing for the design of the National Medal of Science
- 11287 Award and presentation of the National Medal of Science
- 12039 Relating to the transfer of certain science and technology policy functions
- 12501 Arctic research
- 12591 Facilitating access to science and technology
- 12660 National Microgravity Research Board

Executive Order 2859—National Research Council of the National Academy of Sciences

SOURCE: The provisions of Executive Order 2859 of May 11, 1918, were restated in their entirety by Executive Order 10668 of May 10, 1956, 21 FR 3155, 3 CFR, 1954-1958 Comp., p. 323, unless otherwise noted.

WHEREAS the National Research Council (hereinafter referred to as the Council) was organized in 1916 at the request of the President by the National Academy of Sciences, under its congressional charter, as a measure of national preparedness; and

WHEREAS in recognition of the work accomplished by the National Academy of Sciences through the Council in organizing research, in furthering science, and in securing cooperation of government and non-government agencies in the solution of their problems, the Council has been perpetuated by the Academy as requested by the President in Executive Order No. 2859 of May 11, 1918; and

WHEREAS the effective prosecution of the Council's work requires the close cooperation of the scientific and technical branches of the Government, both military and civil, and makes representation of the Government on the Council desirable:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The functions of the Council shall be as follows:

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(a) In general, to stimulate research in the mathematical, physical, and biological sciences, and in the application of these sciences to engineering, agriculture, medicine, and other useful arts, with the object of increasing knowledge, of strengthening the national defense, and of contributing in other ways to the public welfare.

(b) To survey the broad possibilities of science, to formulate comprehensive projects of research, and to develop effective means of utilizing the scientific and technical resources of the country for dealing with such projects.

(c) To promote cooperation in research, at home and abroad, in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative, as fundamentally important to the advancement of science.

(d) To serve as a means of bringing American and foreign investigators into active cooperation with the scientific and technical services of the Department of Defense and of the civil branches of the Government.

(e) To direct the attention of scientific and technical investigators to the importance of military and industrial problems in connection with national defense, and to aid in the solution of these problems by organizing specific researches.

(f) To gather and collate scientific and technical information, at home and abroad, in cooperation with governmental and other agencies, and to render such information available to duly accredited persons.

2. The Government shall be represented on the Council by members who are officers or employees of specified departments and agencies of the executive branch of the Government. The National Academy of Sciences shall specify, from time to time, the departments and agencies from which Government members shall be designated, and shall determine, from time to time, the number of Government members who shall be designated from each such department and agency. The head of each such specified department or agency shall designate the officers and employees from his department or agency, in such numbers as the National Academy of Sciences shall determine, who shall be members of the Council, but shall designate only those persons who are acceptable to the Academy.

This order shall not be construed as terminating the tenure of any person who has heretofore been designated as a member of the Council.

Executive Order 10521—Administration of scientific research by agencies of the Federal Government

SOURCE: The provisions of Executive Order 10521 of Mar. 17, 1954, 19 FR 1499, 3 CFR, 1954-1958 Comp., p. 183, unless otherwise noted.

WHEREAS the security and welfare of the United States depend increasingly upon the advancement of knowledge in the sciences; and

WHEREAS useful applications of science to defense, humanitarian, and other purposes in the Nation require a strong foundation in basic scientific knowledge and trained scientific manpower; and

WHEREAS the administration of Federal scientific research programs affecting institutions of learning must be consistent with the pres-

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ervation of the strength, vitality, and independence of higher education in the United States; and

WHEREAS, in order to conserve fiscal and manpower resources, it is necessary that Federal scientific research programs be administered with all practicable efficiency and economy; and

WHEREAS the National Science Foundation has been established by law for the purpose, among others, of developing and encouraging the pursuit of an appropriate and effective national policy for the promotion of basic research and education in the sciences:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The National Science Foundation (hereinafter referred to as the Foundation) shall from time to time recommend to the President policies for the promotion and support of basic research and education in the sciences, including policies with respect to furnishing guidance toward defining the responsibilities of the Federal Government in the conduct and support of basic scientific research.

[Sec. 1 amended by EO 10807 of Mar. 13, 1959, 24 FR 1897, 3 CFR, 1959-1963 Comp., p. 329]

SEC. 2. The Foundation shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable scientific needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel. In making such studies, the Foundation shall make full use of existing sources of information and research facilities within the Federal Government.

SEC. 3. The Foundation, in concert with each Federal agency concerned, shall review the basic scientific research programs and activities of the Federal Government in order, among other purposes, to formulate methods for strengthening the administration of such programs and activities by the responsible agencies, and to study areas of basic research where gaps or undesirable overlapping of support may exist, and shall recommend to the heads of agencies concerning the support given to basic research.

[Sec. 3 amended by EO 10807 of Mar. 13, 1959, 24 FR 1897, 3 CFR, 1959-1963 Comp., p. 329]

SEC. 4. As now or hereafter authorized or permitted by law, the Foundation shall be increasingly responsible for providing support by the Federal Government for general-purpose basic research through contracts and grants. The conduct and support by other Federal agencies of basic research in areas which are closely related to their missions is recognized as important and desirable, especially in response to current national needs, and shall continue.

SEC. 5. The Foundation, in consultation with educational institutions, the heads of Federal agencies, and the Commissioner of Education of the Department of Health, Education, and Welfare,¹ shall study the ef-

¹ EDITORIAL NOTE: The functions of the Education Division within the Department of Health, Education, and Welfare were transferred to the Department of Education by Pub. L. 96-88 (93 Stat. 695, 20 U.S.C. 3508).

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fects upon educational institutions of Federal policies and administration of contracts and grants for scientific research and development, and shall recommend policies and procedures which will promote the attainment of general national research objectives and realization of the research needs of Federal agencies while safeguarding the strength and independence of the Nation's institutions of learning.

SEC. 6. The head of each Federal agency engaged in scientific research shall make certain that effective executive, organizational, and fiscal practices exist to ensure (a) that the Foundation is consulted on policies concerning the support of basic research, (b) that approved scientific research programs conducted by the agency are reviewed continuously in order to preserve priorities in research efforts and to adjust programs to meet changing conditions without imposing unnecessary added burdens on budgetary and other resources, (c) that applied research and development shall be undertaken with sufficient consideration of the underlying basic research and such other factors as relative urgency, project costs, and availability of manpower and facilities, and (d) that, subject to considerations of security and applicable law, adequate dissemination shall be made within the Federal Government of reports on the nature and progress of research projects as an aid to the efficiency and economy of the overall Federal scientific research program.

SEC. 7. Federal agencies supporting or engaging in scientific research shall, with the assistance of the Foundation, cooperate in an effort to improve the methods of classification and reporting of scientific research projects and activities, subject to the requirements of security of information.

SEC. 8. To facilitate the efficient use of scientific research equipment and facilities held by Federal agencies:

(a) the head of each such agency engaged in scientific research shall, to the extent practicable, encourage and facilitate the sharing with other Federal agencies of major equipment and facilities; and

(b) a Federal agency shall procure new major equipment or facilities for scientific research purposes only after taking suitable steps to ascertain that the need cannot be met adequately from existing inventories or facilities of its own or of other agencies.

[Sec. 8 amended by EO 10807 of Mar. 13, 1959, 24 FR 1897, 3 CFR, 1959-1963 Comp. p. 329]

SEC. 9. The heads of the respective Federal agencies shall make such reports concerning activities within the purview of this order as may be required by the President.

SEC. 10. The National Science Foundation shall provide leadership in the effective coordination of the scientific information activities of the Federal Government with a view to improving the availability and dissemination of scientific information. Federal agencies shall cooperate with and assist the National Science Foundation in the performance of this function, to the extent permitted by law.

[Sec. 10 added by EO 10807 of Mar. 13, 1959, 24 FR 1897, 3 CFR, 1959-1963 Comp. p. 329]

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Executive Order 10910—Providing for the design of the National Medal of Science

SOURCE: The provisions of Executive Order 10910 of Jan. 17, 1961, appear at 26 FR 509, 3 CFR, 1959–1963 Comp., p. 438, unless otherwise noted.

By virtue of the authority vested in me by the act of August 25, 1959, entitled "An Act To Establish a National Medal of Science To Provide Recognition for Individuals Who Make Outstanding Contributions in the Physical, Biological, Mathematical, and Engineering Sciences" (73 Stat. 431), and as President of the United States, it is ordered as follows:

SECTION 1. *Specifications of Medal* Consonant with recommendations submitted by the National Science Foundation pursuant to the first section of the said act of August 25, 1959, the National Medal of Science established by that act, hereinafter referred to as the Medal, shall be of bronze, shall be of the design hereto attached, which is hereby made a part of this order, and shall have suitable accompanying appurtenances.

[Title and sec. 1 amended by EO 11287 of June 28, 1966, 31 FR 8995, 3 CFR, 1966–1970 Comp., p. 556]

SEC. 2. *Award of Medal*. [Deleted]

[Sec. 2 deleted by EO 11287 of June 28, 1966, 31 FR 8995, 3 CFR, 1966–1970 Comp., p. 556]

EDITORIAL NOTE: An illustration of the medal and its description, which were attached to and made a part of Executive Order 10910, are printed in 3 CFR, 1959–1963 Comp., p. 439. The text of the description reads as follows:

The medal is struck in Bronze 3 1/4" over all. Its obverse side has the figure of a man holding a crystal in his left hand as he writes an equation in the sand on which he kneels. Behind him is the sea and there is a star above his shoulder.

Executive Order 11287—Award and presentation of the National Medal of Science

SOURCE: The provisions of Executive Order 11287 of June 28, 1966, appear at 31 FR 8995, 3 CFR, 1966–1970 Comp., p. 556, unless otherwise noted.

By virtue of the authority vested in me by the Act of August 25, 1959, entitled "An Act To Establish a National Medal of Science To Provide Recognition for Individuals Who Make Outstanding Contributions in the Physical, Biological, Mathematical, and Engineering Sciences," 73 Stat. 431 (hereinafter referred to as the Act), and as President of the United States, it is ordered as follows:

SECTION 1. *Award of Medal*. (a) The President shall award the National Medal of Science (hereinafter referred to as the Medal) established by the Act, the specifications of which are prescribed by Executive Order No. 10910 of January 17, 1961, as amended, on the basis of recommendations received by him in accordance with the provisions of this Order to individuals who in his judgment are deserving of special recognition by reason of their outstanding contributions to knowledge in the physical, biological, mathematical, or engineering sciences.

(b) The following-described criteria shall govern the award of the Medal—

(1) Not more than twenty individuals shall be awarded the Medal in any one calendar year.

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(2) No individual shall be awarded the Medal unless, at the time such award is made, he:

(A) is a citizen or other national of the United States; or

(B) is an alien lawfully admitted to the United States for permanent residence who (i) has filed a petition for naturalization in the manner prescribed by Section 334(b) of the Immigration and Nationality Act, and (ii) is not permanently ineligible to become a citizen of the United States.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, the Medal may be awarded posthumously, but only to individuals who, at the time of their death, met the conditions set forth in paragraph (2). The Medal shall not be awarded to any individual after the fifth anniversary of the day of his death.

(c) Each Medal awarded shall be suitably inscribed. Each individual awarded the Medal shall also receive a citation descriptive of the award.

(d) The presentation of the Medal shall be made in accordance with Section 2(d) of the Act.

SEC. 2. *The President's Committee.* (a) There is hereby established the President's Committee on the National Medal of Science (hereinafter referred to as the Committee), which shall be composed of twelve appointive members and two ex officio members and shall assist the President, as provided in this order, in connection with the carrying out of the Act.

(b) Each appointive member of the Committee shall be appointed by the President from among appropriately qualified citizens of the United States. Except as otherwise provided in subsection (e) of this Section, each such member shall be so appointed for a term of three years or for the balance of the unexpired term of his predecessor, whichever is appropriate. Members may be reappointed to serve one additional term of three years. As nearly as practicable, the appointive members of the Committee shall comprise a cross section of the major fields of science and engineering.

(c) The following shall be ex officio members of the Committee:

(1) The Science Adviser.

(2) The President of the National Academy of Sciences.

(d) The President shall from time to time designate one of the members of the Committee as chairman thereof.

(e) Of the persons first designated as members of the Committee under the provisions of subsection (b) of this Section, four shall be designated to serve until December 31, 1966, four shall be designated to serve until December 31, 1967, and four shall be designated to serve until December 31, 1968.

[Sec. 2 amended by EO 11502 of Dec. 22, 1969, 34 FR 20171, 3 CFR, 1966-1970 Comp. p. 885; EO 11734 of July 30, 1973, 38 FR 20433, 3 CFR, 1971-1975 Comp. p. 792]

SEC. 3. *Preliminary procedure.* (a) The Committee shall receive, on behalf of the President, (1) the recommendations made by the National Academy of Sciences respecting the award of the Medal pursuant to the provisions of Section 2(a) of the Act, and (2) such similar recommendations as may be made by any other nationally representative scientific or engineering organization or other qualified source. Each such

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recommendation shall include or be accompanied by such appropriate supporting material as the Committee may from time to time specify.

(b) On the basis of such criteria, information, and evidence as it may deem appropriate, and subject to the provisions of Section 1 of this Order, the Committee shall designate, from among the individuals who are recommended in accordance with Section 3(a) of this Order, those individuals whom the Committee recommends for the award of the Medal and shall transmit the names of those individuals to the President, together with its recommendations. In so transmitting its recommendations, the Committee (1) shall include expressions of its views concerning, and such other information as may be pertinent to, its recommendations, and (2) may arrange the names of all or some of the recommended individuals in a sequence deemed by it to indicate the order of precedence in which the individuals involved deserve to receive the Medal.

(c) Each recommendation respecting the award of the Medal to an individual which is transmitted to the President by the Committee shall be accompanied by a draft of a citation describing the contributions which are being recognized by the award.

SEC. 4. *Time of awards and recommendations.* (a) Unless otherwise directed by the President, announcement of the award of the Medal shall be made during the last sixty days of each calendar year and ceremonies for presentation of the Medal shall be held during the first ninety days of the calendar year following the announcement of the award.

(b) Recommendations for awards of the Medals shall be submitted to the Committee, pursuant to Section 3(a) of this Order, by the first day of July of the year in which it is proposed that they be announced by the President. Recommendations of the Committee shall be delivered to the President by the fifteenth day of October of the year in which it is proposed that they be announced. Awards of the Medal may be based upon recommendations of the Committee or upon such other information and evidence as the President deems appropriate.

SEC. 5. *Services and expenses.* (a) The National Science Foundation is authorized to provide such assistance as may be necessary and appropriate to carry out the purposes of this Order.

(b) The members of the Committee shall serve without compensation, but the National Science Foundation is authorized to reimburse them for travel expenses and to pay them per diem in lieu of subsistence as authorized for persons serving without compensation (5 U.S.C. 73b-2).

SEC. 6. *Prior orders.* (a) Subject to the provisions of this Order, the President's Committee on the National Medal of Science established by Section 2 of this Order shall be deemed to constitute a continuation of the Committee of the same name established by Executive Order No. 10961 of August 21, 1961. The latter Order is hereby revoked.

(b) [Deleted]

[Sec. 6(b) amends EO 10910 of Jan. 17, 1961, this chapter, p. 165. The amendments have been incorporated into that order.]

EDITORIAL NOTE: The President's Committee on the National Medal of Science was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Director of the National Sci-

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ence Foundation in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12039—Relating to the transfer of certain science and technology policy functions

SOURCE: The provisions of Executive Order 12039 of Feb. 24, 1978, appear at 43 FR 8095, 3 CFR, 1978 Comp., p. 139, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), Section 301 of Title 3 of the United States Code, and Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and as President of the United States of America, in order to provide for the transfer of certain science and technology functions, it is hereby ordered as follows:

SECTION 1. (a) The transfer, provided by Section 5A of Reorganization Plan No. 1 of 1977 (42 FR 56101), of certain functions under the National Science and Technology Policy, Organization, and Priorities Act of 1976, hereinafter referred to as the Act (90 Stat. 459, 421 U.S.C. 6601 *et seq.*), from the Office of Science and Technology Policy and its Director to the Director of the National Science Foundation is hereby effective.

(b) The abolition of the Intergovernmental Science, Engineering, and Technology Advisory Panel, the President's Committee on Science and Technology, and the Federal Coordinating Council for Science, Engineering and Technology (established in accordance with Titles II, III, and IV of the Act) and the transfer of their functions (Sections 205(b)(1), 303 (a) and (b)(1), and 401 of the Act, 42 U.S.C. 6614(b)(1), 6633 (a) and (b)(1), and 6651(e)) to the President of the United States of America, provided by Sections 5A of Reorganization Plan No. 1 of 1977, are hereby effective.

SEC. 2. (a) The intergovernmental science, engineering, and technology functions under Section 205(b)(1) of the Act (42 U.S.C. 6614(b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy; *Except that*, the responsibility for fostering any policies to facilitate the transfer and utilization of research and development results is delegated to the Director of the Office of Management and Budget.

(b) The functions vested by subsection (a) of this Section in the Director of the Office of Management and Budget shall be performed in accord with the Director's responsibilities under the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 42 U.S.C. 4201 *et seq.*). The Director of the Office of Science and Technology Policy shall advise the Director of the Office of Management and Budget with respect to the needs of State, regional, and local governments which may be assisted by the utilization of science, engineering, and technology research and development results.

(c) The functions vested by subsection (a) of this Section in the Director of the Office of Science and Technology Policy shall be performed in coordination with the Director of the Office of Management and Budget and with others as designated by the President.

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[Sec. 2 amended by EO 12399 of Dec. 31, 1982, 48 FR 379, 3 CFR, 1982 Comp., p. 236]

SEC. 3. The Federal science, engineering, and technology functions under Section 303 (a) and (b)(1) of the Act (42 U.S.C. 6633 (a) and (b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy: *Except that*, those functions concerned with reorganization, including Federal-State liaison, are delegated to the Director of the Office of Management and Budget, who shall be provided advice and assistance thereon by the Director of the Office of Science and Technology Policy.

SEC. 4. The science, engineering, and technology and related activities functions under Section 401(e) of the Act (42 U.S.C. 6651(e)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy.

SEC. 5. There is hereby established the Federal Coordinating Council for Science, Engineering, and Technology. The Council shall be composed of the Director of the Office of Science and Technology Policy, who shall be Chairman, and representatives of such other Executive agencies designated by the Chairman. The head of an agency so designated shall designate an appropriate individual to serve on the Council. The Council shall advise and assist the Director of the Office of Science and Technology Policy in the performance of those functions delegated under Section 4 of this Order.

SEC. 6. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Director of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, or the Director of the National Science Foundation, as appropriate.

SEC. 7. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 8. This Order shall be effective on February 26, 1978.

Executive Order 12501—Arctic research

SOURCE: The provisions of Executive Order 12501 of Jan. 28, 1985, appear at 50 FR 4191, 3 CFR, 1985 Comp., p. 328, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Arctic Research and Policy Act of 1984 (Title I of Public Law 98-373) ("the Act"), it is hereby ordered as follows:

SECTION 1. *Establishment of Arctic Research Commission.* There is established the Arctic Research Commission.

SEC. 2. *Membership of the Commission.*

(a) The Commission shall be composed of five members appointed by the President, as follows:

(1) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating

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to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(2) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resources development; and

(3) one member appointed from individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

The Director of the National Science Foundation shall serve as a nonvoting *ex officio* member of the Commission. The President shall designate a Chairperson from among the five voting members of the Commission.

(b) In making initial appointments to the Commission, the President shall designate one member to serve for a term of two years, two members to serve for terms of three years, and two members to serve for terms of four years as provided by Section 103(c) of the Act. Upon the expiration of these initial terms of office, the term of office of each member of the Commission shall be four years.

(c) Each of the Federal agencies represented on the Interagency Committee established by Section 7 of this Order may designate a representative to participate as an observer with the Commission. These representatives shall report to and advise the Commission on the activities of their agencies relating to Arctic research.

SEC. 3. *Meetings of the Commission.*

The Commission shall meet at the call of the Chairman or a majority of its members. The Commission annually shall conduct at least one public meeting in the State of Alaska.

SEC. 4. *Functions of the Commission.*

(a) The Commission shall:

(1) develop and recommend an integrated national Arctic research policy;

(2) assist, in cooperation with the Interagency Arctic Research Policy Committee established by Section 7 of this Order, in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate;

(6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Arctic Research Policy Committee as it may find appropriate; and

(8) cooperate with the Governor of the State of Alaska, and with agencies and organizations of that State which the Governor may designate, with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall:

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(1) submit to the President and Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year; and

(2) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Arctic Research Policy Committee in the performance of its duties.

SEC. 5. *Responsibilities of Federal Agencies.*

(a) The heads of Executive agencies shall, to the extent permitted by law, and in accordance with Section 105 of the Act, provide the Commission such information as it may require for purposes of carrying out its functions.

(b) The heads of Executive agencies shall, upon reimbursement to be agreed upon by the Commission and the agency head, permit the Commission to utilize their facilities and services to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy. The Commission shall take every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

SEC. 6. *Administration of the Commission.* Members of the Commission who are otherwise employed for compensation shall serve without compensation for their work on the Commission, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service. Members of the Commission who are not otherwise employed for compensation shall be compensated for each day the member is engaged in actual performance of duties as a member, not to exceed 90 days of service each calendar year, at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule.

SEC. 7. *Establishment of Interagency Arctic Research Policy Committee.* There is established the Interagency Arctic Research Policy Committee (the "Interagency Committee"). The National Science Foundation shall serve as lead agency on the Interagency Committee and shall be responsible for implementing Arctic research policy.

SEC. 8. *Membership of the Interagency Committee.*

The Interagency Committee shall be composed of representatives of the following Federal agencies or their designees:

- (a) National Science Foundation;
- (b) Department of Commerce;
- (c) Department of Defense;
- (d) Department of Energy;
- (e) Department of the Interior;
- (f) Department of State;
- (g) Department of Transportation;
- (h) Department of Health and Human Services;
- (i) National Aeronautics and Space Administration;
- (j) Environmental Protection Agency;
- (k) Office of Science and Technology Policy; and

(l) any other Executive agency that the Director of the National Science Foundation shall deem appropriate. The Director of the National Science Foundation or his designee shall serve as Chairperson of the Interagency Committee.

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SEC. 9. *Functions of the Interagency Committee.* (a) The Interagency Committee shall:

(1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on:

(a) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(b) Arctic research programs of Federal agencies;

(c) recommendations of the Commission on future Arctic research; and

(d) guidelines for Federal agencies for awarding and administering Arctic research grants;

(4) develop a 5-year plan to implement the national policy, as provided in section 109 of the Act;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multi-agency budget request for Arctic research, as provided in section 110 of the Act;

(6) facilitate cooperation between the Federal government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under the Act; and

(9) promote Federal interagency coordination of all Arctic research activities, including:

(a) logistical planning and coordination; and

(b) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President a report concerning:

(1) its activities and accomplishments since its last report; and

(2) the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

SEC. 10. *Public Participation.* The Interagency Committee will provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

SEC. 11. *Administration of Interagency Committee.* Each agency represented on the Committee shall, to the extent permitted by law and subject to the availability of funds, provide the Committee with such administrative services, facilities, staff, and other support services as may be necessary for effective performance of its functions.

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Executive Order 12591—Facilitating access to science and technology

SOURCE: The provisions of Executive Order 12591 of Apr. 10, 1987, appear at 52 FR 13414, 3 CFR, 1987 Comp., p. 220, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Technology Transfer Act of 1986 (Public Law 99-502), the Trademark Clarification Act of 1984 (Public Law 98-620), and the University and Small Business Patent Procedure Act of 1980 (Public Law 96-517), and in order to ensure that Federal agencies and laboratories assist universities and the private sector in broadening our technology base by moving new knowledge from the research laboratory into the development of new products and processes, it is hereby ordered as follows:

SECTION 1. *Transfer of Federally Funded Technology.*

(a) The head of each Executive department and agency, to the extent permitted by law, shall encourage and facilitate collaboration among Federal laboratories, State and local governments, universities, and the private sector, particularly small business, in order to assist in the transfer of technology to the marketplace.

(b) The head of each Executive department and agency shall, within overall funding allocations and to the extent permitted by law:

(1) delegate authority to its government-owned, government-operated Federal laboratories:

(A) to enter into cooperative research and development agreements with other Federal laboratories, State and local governments, universities, and the private sector; and

(B) to license, assign, or waive rights to intellectual property developed by the laboratory either under such cooperative research or development agreements and from within individual laboratories.

(2) identify and encourage persons to act as conduits between and among Federal laboratories, universities, and the private sector for the transfer of technology developed from federally funded research and development efforts;

(3) ensure that State and local governments, universities, and the private sector are provided with information on the technology, expertise, and facilities available in Federal laboratories;

(4) promote the commercialization, in accord with my Memorandum to the Heads of Executive Departments and Agencies of February 18, 1983, of patentable results of federally funded research by granting to all contractors, regardless of size, the title to patents made in whole or in part with Federal funds, in exchange for royalty-free use by or on behalf of the government;

(5) administer all patents and licenses to inventions made with federal assistance, which are owned by the non-profit contractor or grantee, in accordance with Section 202(c)(7) of Title 35 of the United States Code as amended by Public Law 98-620, without regard to limitations on licensing found in that section prior to amendment or in Institutional Patent Agreements now in effect that were entered into before that law was enacted on November 8, 1984, unless, in the case of an invention that has not been marketed, the funding agency determines, based on information in its files, that the contractor or grantee has not taken ade-

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quate steps to market the inventions, in accordance with applicable law or an Institutional Patent Agreement;

(6) cooperate, under policy guidance provided by the Office of Federal Procurement Policy, with the heads of other affected departments and agencies in the development of a uniform policy permitting Federal contractors to retain rights to software, engineering drawings, and other technical data generated by Federal grants and contracts, in exchange for royalty-free use by or on behalf of the government.

[Sec. 1 amended by EO 12618 of Dec. 22, 1987, 52 FR 48661, 3 CFR, 1987 Comp., p. 262]

SEC. 2. *Establishment of the Technology Share Program.* The Secretaries of Agriculture, Commerce, Energy, and Health and Human Services and the Administrator of the National Aeronautics and Space Administration shall select one or more of their Federal laboratories to participate in the Technology Share Program. Consistent with its mission and policies and within its overall funding allocation in any year, each Federal laboratory so selected shall:

(a) Identify areas of research and technology of potential importance to long-term national economic competitiveness and in which the laboratory possesses special competence and/or unique facilities;

(b) Establish a mechanism through which the laboratory performs research in areas identified in Section 2(a) as a participant of a consortium composed of United States industries and universities. All consortia so established shall have, at a minimum, three individual companies that conduct the majority of their business in the United States; and

(c) Limit its participation in any consortium so established to the use of laboratory personnel and facilities. However, each laboratory may also provide financial support generally not to exceed 25 percent of the total budget for the activities of the consortium. Such financial support by any laboratory in all such consortia shall be limited to a maximum of \$5 million per annum.

SEC. 3. *Technology Exchange—Scientists and Engineers.* The Executive Director of the President's Commission on Executive Exchange shall assist Federal agencies, where appropriate, by developing and implementing an exchange program whereby scientists and engineers in the private sector may take temporary assignments in Federal laboratories, and scientists and engineers in Federal laboratories may take temporary assignments in the private sector.

SEC. 4. *International Science and Technology.* In order to ensure that the United States benefits from and fully exploits scientific research and technology developed abroad,

(a) The head of each Executive department and agency, when negotiating or entering into cooperative research and development agreements and licensing arrangements with foreign persons or industrial organizations (where these entities are directly or indirectly controlled by a foreign company or government), shall, in consultation with the United States Trade Representative, give appropriate consideration:

(1) to whether such foreign companies or governments permit and encourage United States agencies, organizations, or persons to enter into cooperative research and development agreements and licensing arrangements on a comparable basis;

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(2) to whether those foreign governments have policies to protect the United States intellectual property rights; and

(3) where cooperative research will involve data, technologies, or products subject to national security export controls under the laws of the United States, to whether those foreign governments have adopted adequate measures to prevent the transfer of strategic technology to destinations prohibited under such national security export controls, either through participation in the Coordinating Committee for Multilateral Export Controls (COCOM) or through other international agreements to which the United States and such foreign governments are signatories.

(b) The Secretary of State shall develop a recruitment policy that encourages scientists and engineers from other Federal agencies, academic institutions, and industry to apply for assignments in embassies of the United States; and

(c) The Secretaries of State and Commerce and the Director of the National Science Foundation shall develop a central mechanism for the prompt and efficient dissemination of science and technology information developed abroad to users in Federal laboratories, academic institutions, and the private sector on a fee-for-service basis.

SEC. 5. *Technology Transfer from the Department of Defense.* Within 6 months of the date of this Order, the Secretary of Defense shall identify a list of funded technologies that would be potentially useful to United States industries and universities. The Secretary shall then accelerate efforts to make these technologies more readily available to United States industries and universities.

SEC. 6. *Basic Science and Technology Centers.* The head of each Executive department and agency shall examine the potential for including the establishment of university research centers in engineering, science, or technology in the strategy and planning for any future research and development programs. Such university centers shall be jointly funded by the Federal Government, the private sector, and, where appropriate, the States and shall focus on areas of fundamental research and technology that are both scientifically promising and have the potential to contribute to the Nation's long-term economic competitiveness.

SEC. 7. *Reporting Requirements.* (a) Within 1 year from the date of this Order, the Director of the Office of Science and Technology Policy shall convene an interagency task force comprised of the heads of representative agencies and the directors of representative Federal laboratories, or their designees, in order to identify and disseminate creative approaches to technology transfer from Federal laboratories. The task force will report to the President on the progress of and problems with technology transfer from Federal laboratories.

(b) Specifically, the report shall include:

(1) a listing of current technology transfer programs and an assessment of the effectiveness of these programs;

(2) identification of new or creative approaches to technology transfer that might serve as model programs for Federal laboratories;

(3) criteria to assess the effectiveness and impact on the Nation's economy of planned or future technology transfer efforts; and

(4) a compilation and assessment of the Technology Share Program established in Section 2 and, where appropriate, related cooperative research and development venture programs.

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SEC. 8. *Relation to Existing Law.* Nothing in this Order shall affect the continued applicability of any existing laws or regulations relating to the transfer of United States technology to other nations. The head of any Executive department or agency may exclude from consideration, under this Order, any technology that would be, if transferred, detrimental to the interests of national security.

Executive Order 12660—National Microgravity Research Board

SOURCE: The provisions of Executive Order 12660 of Dec. 16, 1988, appear at 53 FR 51215, 3 CFR, 1988 Comp., p. 616, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in the pursuance of assuring and coordinating a broader range of opportunities for research in microgravity conditions, I hereby order as follows:

SECTION 1. *Establishment.* (a) There is hereby established the National Microgravity Research Board (hereinafter, "the Board").

(b) The Board shall be composed of the following members, or their designees:

(1) the Administrator of the National Aeronautics and Space Administration, who shall serve as Chairman;

(2) the Secretary of State;

(3) the Secretary of Defense;

(4) the Secretary of Commerce;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Transportation;

(7) the Secretary of Energy;

(8) the Director of the National Science Foundation; and

(9) the Secretary or Director of other agencies, and officials of the Executive Office of the President, as the President may from time to time designate.

(c) The Board shall report to the President through the Economic Policy Council as necessary.

SEC. 2. *Functions.* (a) The Board will consult with academia and private industry and other Federal agencies as appropriate in carrying out its functions.

(b) In furtherance of its responsibilities, the Board shall:

(1) stimulate research in microgravity environments and the application thereof to commercial uses;

(2) advise Federal agencies on microgravity research priorities and opportunities;

(3) develop policy recommendations relating to the conduct and nature of microgravity research, including types of research; government, industry, and academic cooperation; and increased access to space, including a potential launch voucher program for microgravity research purposes; and

(4) provide advice on coordinating the microgravity programs of Federal agencies by:

(i) reviewing agency plans for microgravity research and recommending priorities for the use of federally owned or leased space on microgravity facilities;

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- (ii) ensuring that agencies establish merit review processes for evaluating microgravity research proposals;
 - (iii) promoting transfer of federally funded microgravity research in furtherance of Executive Order No. 12591; and
 - (iv) providing oversight of Federal agency participation in international microgravity research programs.
- (c) The Board shall meet as requested by the President, the Chairman, or the membership.

SEC. 3. *Board Termination Date.* Unless extended by the President, the Board shall terminate 5 years after the date of this Order.

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Executive Orders

- 16 Providing for the transfer of properties and personnel to the Atomic Energy Commission
- 485 Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States
- 500 Designation of the Power Authority of the State of New York and establishment of the United States Section of the St. Lawrence River Joint Board of Engineers
- 841 Providing for the carrying out of certain provisions of the Atomic Energy Act of 1954, as amended, relating to international cooperation
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Executive Order 9816—Providing for the transfer of properties and personnel to the Atomic Energy Commission

SOURCE: The provisions of Executive Order 9816 of Dec. 31, 1946, appear at 12 FR 37, 3 CFR, 1943-1948 Comp., p. 595, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the statutes, including the Atomic Energy Act of 1946, and as President of

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the United States and Commander in Chief of the Army and the Navy, it is hereby ordered and directed as follows:

1. There are transferred to the Atomic Energy Commission¹ all interests owned by the United States or any Government agency in the following property:

(a) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items.

(b) All facilities, equipment, and materials, devoted primarily to atomic energy research and development.

2. There also are transferred to the Atomic Energy Commission all property, real or personal, tangible or intangible, including records, owned by or in the possession, custody or control of the Manhattan Engineer District, War Department², in addition to the property described in paragraph 1 above. Specific items of such property, including records, may be excepted from transfer to the Commission in the following manner:

(a) The Secretary of War shall notify the Commission in writing as to the specific items of property or records he wishes to except; and

(b) If after full examination of the facts by the Commission, it concurs in the exception, those specific items of property or records shall be excepted from transfer to the Commission; or

(c) If after full examination of the facts by the Commission, it does not concur in the exception, the matter shall be referred to the President for decision.

3. The Atomic Energy Commission shall exercise full jurisdiction over all interests and property transferred to the Commission in paragraphs 1 and 2 above in accordance with the provisions of the Atomic Energy Act of 1946.

4. Any Government agency is authorized to transfer to the Atomic Energy Commission, at the request of the Commission, any property.

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

² EDITORIAL NOTE: The Department of War was redesignated as the Department of the Army and the Secretary of War was redesignated as the Secretary of the Army by the National Security Act of 1947 (61 Stat. 495).

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real or personal, tangible or intangible, acquired or used by such Government agency in connection with any of the property or interests transferred to the Commission by paragraphs 1 and 2 above.

5. Each Government agency shall supply the Atomic Energy Commission with a report on, and an accounting and inventory of, all interests and property, described in paragraphs 1, 2 and 4 above, owned by or in the possession, custody, or control of such Government agency, the form and detail of such report, accounting and inventory, to be determined by mutual agreement, or, in case of nonagreement, by the Director of the Bureau of Budget.

6. (a) There also are transferred to the Atomic Energy Commission, all civilian officers and employees of the Manhattan Engineer District, War Department, except that the Commission and the Secretary of War may by mutual agreement exclude any of such personnel from transfer to the Commission.

(b) The military and naval personnel heretofore assigned or detailed to the Manhattan Engineer District, War Department, shall continue to be made available to the Commission, for military and naval duty, in similar manner, without prejudice to the military or naval status of such personnel, for such periods of time as may be agreed mutually by the Commission and the Secretary of War or the Secretary of the Navy.

7. The assistance and the services, personal or other, including the use of property, heretofore made available by any Government agency to the Manhattan Engineer District, War Department, shall be made available to the Atomic Energy Commission for the same purposes as heretofore and under the arrangements now existing until terminated after 30 days notice given by the Commission or by the Government agency concerned in each case.

8. The Commission is authorized to exercise all of the powers and functions vested in the Secretary of War by Executive Order No. 9001, of December 27, 1941, as amended, in so far as they relate to contracts heretofore made by or hereby transferred to the Commission.

9. Such further measures and dispositions as may be determined by the Atomic Energy Commission and any Government agency concerned to be necessary to effectuate the transfers authorized or directed by this order shall be carried out in such manner as the Director of the Bureau of Budget may direct and by such agencies as he may designate.

10. This order shall be effective as of midnight, December 31, 1946.

Executive Order 10485—Providing for the performance of certain functions heretofore performed by the President with respect to electric power and natural gas facilities located on the borders of the United States

SOURCE: The provisions of Executive Order 10485 of Sept. 3, 1953, appear at 18 FR 5397, 3 CFR, 1949-1953 Comp., p. 970, unless otherwise noted.

WHEREAS section 202(e) of the Federal Power Act, as amended, 49 Stat. 847 (16 U.S.C. 824a(e)), requires any person desiring to transmit any electric energy from the United States to a foreign country to

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obtain an order of the Federal Power Commission¹ authorizing it to do so; and

WHEREAS section 3 of the Natural Gas Act, 52 Stat. 822 (15 U.S.C. 717b), requires any person desiring to export any natural gas from the United States to a foreign country or to import any natural gas from a foreign country to the United States to obtain an order from the Federal Power Commission authorizing it to do so; and

WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities for the exportation or importation of electric energy and natural gas; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance and signing of permits for such purposes:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of Energy is hereby designated and empowered to perform the following-described functions:

(1) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country.

(2) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation or importation of natural gas to or from a foreign country.

(3) Upon finding the issuance of the permit to be consistent with the public interest, and, after obtaining the favorable recommendations of the Secretary of State and the Secretary of Defense thereon, to issue to the applicant, as appropriate, a permit for such construction, operation, maintenance, or connection. The Secretary of Energy shall have the power to attach to the issuance of the permit and to the exercise of the rights granted thereunder such conditions as the public interest may in its judgment require.

(b) In any case wherein the Secretary of Energy, the Secretary of State, and the Secretary of Defense cannot agree as to whether or not a permit should be issued, the Secretary of Energy shall submit to the President for approval or disapproval the application for a permit with the respective views of the Secretary of Energy, the Secretary of State and the Secretary of Defense.

[Sec. 1 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 2. [Deleted]

[Sec. 2 deleted by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 3. The Secretary of Energy is authorized to issue such rules and regulations, and to prescribe such procedures, as it may from time to

¹ EDITORIAL NOTE: The Federal Power Commission was terminated and its functions transferred to the Department of Energy by Pub. L. 95-91 (91 Stat. 565, 42 U.S.C. 7101 nt.), effective Oct. 1, 1977.

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time deem necessary or desirable for the exercise of the authority delegated to it by this order.

[Sec. 3 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 4. All Presidential Permits heretofore issued pursuant to Executive Order No. 8202 of July 13, 1939, and in force at the time of the issuance of this order, and all permits issued hereunder, shall remain in full force and effect until modified or revoked by the President or by the Secretary of Energy.

[Sec. 4 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 5. Executive Order No. 8202 of July 13, 1939, is hereby revoked.

Executive Order 10500—Designation of the Power Authority of the State of New York and establishment of the United States Section of the St. Lawrence River Joint Board of Engineers

SOURCE: The provisions of Executive Order 10500 of Nov. 4, 1953, appear at 18 FR 7005, 3 CFR, 1949–1953 Comp., p. 978, unless otherwise noted.

WHEREAS pursuant to the provisions of the Boundary Waters Treaty of January 11, 1909 (36 Stat. 2448), the Government of the United States of America and the Government of Canada on June 30, 1952, filed concurrent and complementary applications with the International Joint Commission for an Order of Approval of the construction, jointly by entities to be designated by the respective Governments, of certain works for the development of power in the International Rapids Section of the St. Lawrence River and of the maintenance and operation of such works; and

WHEREAS the Commission on October 29, 1952, issued an Order of Approval for the construction, maintenance, and operation of such works jointly by The Hydro-Electric Power Commission of Ontario and by an entity to be designated by the Government of the United States, subject to the terms and conditions contained in that Order of Approval; and

WHEREAS condition (g) of the Order of Approval reads in part as follows:

"In accordance with the Applications, the establishment by the Governments of Canada and of the United States of a Joint Board of Engineers to be known as the St. Lawrence River Joint Board of Engineers (hereinafter referred to as the 'Joint Board of Engineers') consisting of an equal number of representatives of Canada and the United States to be designated by the respective Governments, is approved. The duties of the Joint Board of Engineers shall be to review and coordinate, and, if both Governments so authorize, approve the plans and specifications of the works and the programs of construction thereof submitted for the approval of the respective Governments as specified above, and to assure the construction of the works in accordance therewith as approved.

and

WHEREAS the Federal Power Commission on July 15, 1953, issued a license (hereinafter referred to as the License) to the Power Authority of the State of New York for the construction, maintenance, and operation of Project No. 2000, which project represents that portion of

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the works for the development of power in the International Rapids Section of the St. Lawrence River located within the United States:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Designation of the Power Authority of the State of New York.* The Power Authority of the State of New York is hereby declared to be the designee of the Government of the United States of America for the construction of the works referred to in the Order of Approval of the International Joint Commission of October 29, 1952.

SEC. 2. *Establishment of United States Section of St. Lawrence River Joint Board of Engineers.* There is hereby established the United States Section of the St. Lawrence River Joint Board of Engineers, composed of two members and hereinafter referred to as the United States Section. The Secretary of the Army and the Chairman of the Federal Power Commission¹ are hereby designated members. Each may designate an alternate to act for him as member of the United States Section.

SEC. 3. *Duties of the United States Section.* The United States Section shall represent the Government of the United States on the Joint Board of Engineers in the performance of the duties specified in condition (g) of the Order of Approval, and is authorized to act with the Canadian Section in the approval of the plans and specifications of the works and the programs of construction thereof, submitted for approval of the respective Governments as required by the Order of Approval, and to assure the construction of the works in accordance with such approval.

SEC. 4. *Assistance to the United States Section.* The Department of the Army and the Federal Power Commission are authorized to furnish such assistance, including facilities, supplies and personnel, to the United States Section as may be consonant with law and necessary for the purpose of effectuating this order.

SEC. 5. *Reports to the President.* The United States Section shall submit its final report to the President upon the completion of construction and shall submit such interim reports as may appear to be desirable.

SEC. 6. *Effective date.* This order shall be effective upon the date that the License becomes final.

Executive Order 10841—Providing for the carrying out of certain provisions of the Atomic Energy Act of 1954, as amended, relating to international cooperation

SOURCE: The provisions of Executive Order 10841 of Sept. 30, 1959, appear at 24 FR 7941 3 CFR, 1959-1963 Comp., p. 375, unless otherwise noted.

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the Act, and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Whenever the President, pursuant to section 123 of the Act, has approved and authorized the execution of a proposed agree-

¹ EDITORIAL NOTE: The Federal Power Commission was abolished by Pub. L. 95-91 and its functions were transferred to the Department of Energy.

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ment providing for cooperation pursuant to section 91c, 144a, 144b, or 144c of the Act (42 U.S.C. 2121(c), 2164(a), 2164(b), 2164(c)), such approval and authorization by the President shall constitute his authorization to cooperate to the extent provided for in the agreement and in the manner provided for in section 91c, 144a, 144b, or 144c, as pertinent. In respect of sections 91c, 144b, and 144c, authorizations by the President to cooperate shall be subject to the requirements of section 123d of the Act and shall also be subject to appropriate determinations made pursuant to section 2 of this order.

SEC. 2. (a) The Secretary of Defense and the Secretary of Energy are hereby designated and empowered to exercise jointly, after consultation with executive agencies as may be appropriate, the following-described authority without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 91c of the Act to determine that the proposed cooperation and each proposed transfer arrangement referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(2) The authority vested in the President by section 144b of the Act to determine that the proposed cooperation and the proposed communication of Restricted Data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security: *Provided*, that each determination made under this paragraph shall be referred to the President and, unless disapproved by him, shall become effective fifteen days after such referral or at such later time as may be specified in the determination.

(3) The authority vested in the President by section 144c of the Act to determine that the proposed cooperation and the communication of the proposed Restricted Data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(b) Whenever the Secretary of Defense and the Secretary of Energy are unable to agree upon a joint determination under the provisions of subsection (a) of this section, the recommendations of each of them, together with the recommendations of other agencies concerned, shall be referred to the President, and the determination shall be made by the President.

[Sec. 2 amended by EO 10956 of Aug. 10, 1961, 26 FR 7315, 3 CFR, 1959-1963 Comp., p. 482; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. This order shall not be construed as delegating the function vested in the President by section 91c of the Act of approving programs proposed under that section.

SEC. 4. (a) The functions of negotiating and entering into international agreements under the Act shall be performed by or under the authority of the Secretary of State.

(b) International cooperation under the Act shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States pertinent thereto.

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Executive Order 11477—Authorizing the Atomic Energy Commission to make certain awards without the approval of the President

SOURCE: The provisions of Executive Order 11477 of Aug. 7, 1969, appear at 34 FR 12937, 3 CFR, 1966-1970 Comp., p. 803, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Atomic Energy Commission is hereby designated and empowered, without approval, ratification, or other action by the President, to grant by the unanimous affirmative vote of all of its members not more than five awards in any calendar year, not exceeding the sum of \$5,000 each, pursuant to the last sentence of section 157b(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)) which authorizes the Commission to grant awards for especially meritorious contributions to the development, use, or control of atomic energy.

EDITORIAL NOTE: Executive Order 11477 was modified by Executive Order 12038 of Feb. 3, 1978, this chapter, p. 194, to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233).

Executive Order 11790—Providing for the effectuation of the Federal Energy Administration Act of 1974

SOURCE: The provisions of Executive Order 11790 of June 25, 1974, appear at 39 FR 23185, 3 CFR, 1971-1975 Comp., p. 882, unless otherwise noted.

Under and by virtue of the authority vested in me by the Federal Energy Administration Act of 1974 (Public Law 93-275), the Emergency Petroleum Allocation Act of 1973 (Public Law 93-159; 87 Stat. 627), the Economic Stabilization Act of 1970, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. Pursuant to the authority vested in me by section 30 of the Federal Energy Administration Act of 1974, notice is hereby given that that act shall be effective as of June 27, 1974.

SEC. 2. (a) There is hereby delegated to the Secretary of Energy (hereinafter referred to as the "Secretary"), all authority vested in the President by the Emergency Petroleum Allocation Act of 1973.

(b) The Secretary shall submit to the Congress the reports required by section 4(c)(2) of the Emergency Petroleum Allocation Act of 1973.

[Sec. 2 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 3. (a) There is hereby delegated to the Secretary the authority vested in the President by section 203(a)(3) of the Economic Stabilization Act of 1970, as amended, to the extent such authority remains available under the provisions of section 218 of that act.

(b) The authority under the Economic Stabilization Act of 1970, as amended, that was delegated to the Administrator of the Federal

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Energy Office by the Chairman of the Cost of Living Council pursuant to section 4(b) of Executive Order No. 11748 of December 4, 1973, is hereby transferred to the Secretary to the extent such authority remains available under the provisions of section 218 of that act.

[Sec. 3 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 4. Notwithstanding the provisions of Executive Order No. 10480, as amended, the Secretary is authorized to exercise the authority vested in the President by the Defense Production Act of 1950, as amended, except section 708 thereof, as it relates to the production, conservation, use, control, distribution, and allocation of energy, without approval, ratification, or other action of the President or any other official of the executive branch of the Government.

[Sec. 4 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 5. (a) The Federal Energy Office established by Executive Order No. 11748 is hereby abolished, and that Executive order is hereby revoked.

(b) The authority vested in the Administrator of the Federal Energy Office to appoint a Deputy Administrator of that Office and to compensate that officer at the rate prescribed for officers and positions at level III of the Executive Schedule (5 U.S.C. 5314) is hereby revoked.

(c) All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to any authority delegated or transferred to the Administrator by this order prior to and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless or until altered, amended, or revoked by the Secretary or by such competent authority as he may specify.

(d) All personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions of the Administrator of the Federal Energy Office, as Administrator of that Office or as Chairman of the Oil Policy Committee, are hereby transferred to the Secretary.

[Sec. 5 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 6. All authority delegated or transferred to the Secretary by this order may be further delegated, in whole or in part, by the Secretary to any other office or any department or agency of the United States, or, if authorized by law, to any State or officer thereof.

[Sec. 6 amended and secs. 7-10 deleted by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Executive Order 11912—Delegation of authorities relating to energy policy and conservation

SOURCE: The provisions of Executive Order 11912 of Apr. 13, 1976, appear at 41 FR 15025, 3 CFR, 1976 Comp., p. 114, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, including the Energy Policy and Conservation Act (Public Law 94-163, 89 Stat. 871, 42 U.S.C. 6201 *et seq.*), the Motor Vehicle Information and Cost Savings Act, as

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amended (15 U.S.C. 1901 *et seq.*), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) The Administrator of General Services is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by Section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010). The Administrator shall exercise that authority to ensure that passenger automobiles acquired by all Executive agencies in each fiscal year achieve a fleet average fuel economy standard that is not less than the average fuel economy standard for automobiles manufactured for the model year which includes January 1 of each fiscal year.

(b) The Administrator of General Services shall also promulgate rules which will ensure that each class of nonpassenger automobiles acquired by all Executive agencies in each fiscal year achieves a fleet average fuel economy that is not less than the average fuel economy standard for such class, established pursuant to Section 502(b) of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 903, 15 U.S.C. 2002(b)), for the model year which includes January 1 of such fiscal year. Such rules shall not apply to nonpassenger automobiles intended for use in combat-related missions for the Armed Forces or intended for use in law enforcement work or emergency rescue work. The Administrator may provide for granting exceptions for individual nonpassenger automobiles or categories of nonpassenger automobiles as he determines to be appropriate in terms of energy conservation, economy, efficiency, or service.

(c) In performing these functions, the Administrator of General Services shall consult with the Secretary of Transportation and the Secretary of Energy.

[Sec. 1 amended by EO 12375 of Aug. 4, 1982, 47 FR 34105, 3 CFR, 1982 Comp., p. 200]

SEC. 2. The Secretary of Commerce is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 103 of the Energy Policy and Conservation Act (89 Stat. 877, 42 U.S.C. 6212). In performing each of these functions, the Secretary of Commerce shall consult with appropriate Executive agencies, as set forth in the provisions of section 5(a) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2404(a)).

SEC. 3. The Administrator of the Office of Federal Procurement Policy, in the exercise of his statutory responsibility to provide overall direction of procurement policy (41 U.S.C. 405), shall, after consultation with the heads of appropriate agencies, including those responsible for developing energy conservation and efficiency standards, and to the extent he considers appropriate and with due regard to the program activities of the Executive agencies, provide policy guidance governing the application of energy conservation and efficiency standards in the Federal procurement process in accord with section 381(a)(1) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(a)(1)).

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SEC. 4. (a) The Secretary of Energy, in consultation with the heads of appropriate agencies, is hereby authorized and directed to develop for the President's consideration, in accord with section 201 of the Energy Policy and Conservation Act (89 Stat. 890, 42 U.S.C. 6261), the energy conservation and rationing contingency plans prescribed under sections 202 and 203 of the Energy Policy and Conservation Act (89 Stat. 892, 42 U.S.C. 6262 and 6263).

(b) The Secretary of Energy shall prepare, with the assistance of the heads of appropriate agencies, for the President's consideration, the annual reports provided by section 381(c) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(c)).

[Sec. 4 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136, as amended by EO 12156 of Sept. 10, 1979, 44 FR 53073, 3 CFR, 1979 Comp., p. 427]

SEC. 5. The Secretary of State is hereby delegated the authority vested in the President by Section 252(c)(1)(A)(iii) of the Energy Policy and Conservation Act (89 Stat. 895, 42 U.S.C. 6272(c)(1) (A)(iii)).

SEC. 6. The Secretary of Energy is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by:

(a) Section 251 of the Energy Policy and Conservation Act (89 Stat. 894, 42 U.S.C. 6271), except the making of the findings provided by subparagraph (b)(1)(B) thereof; however in performing these functions, the Secretary shall consult with the Secretary of Commerce with respect to the international allocation of petroleum products which are within the territorial jurisdiction of the United States; and *provided that* the Secretary of Commerce shall promulgate rules, pursuant to the procedures established by the Export Administration Act of 1969, as amended, to authorize the export of petroleum and petroleum products, as may be necessary for implementation of the obligations of the United States under the International Energy Program, and in accordance with the rules promulgated under Section 251 of the Energy Policy and Conservation Act by the Secretary pursuant to this subsection.

(b) Section 253(c) of the Energy Policy and Conservation Act (89 Stat. 898, 42 U.S.C. 6273);

(c) Section 254(a) of the Energy Policy and Conservation Act (89 Stat. 899, 42 U.S.C. 6274(a)), including the receipt of petitions under section 254(a)(3)(B); *provided that*, the authority under section 254(a) may be exercised only after consultation with the Secretary of State;

(d) Section 254(b) of the Energy Policy and Conservation Act (89 Stat. 900, 42 U.S.C. 6274(b)); *provided that*, in determining whether the transmittal of data would prejudice competition or violate the antitrust laws, the Secretary shall consult with the Attorney General, and in determining whether the transmittal of data would be inconsistent with national security interests, he shall consult with the Secretaries of State and Defense, and the heads of such other agencies as he deems appropriate;

(e) Section 523(a)(2)(A) of the Energy Policy and Conservation Act (89 Stat. 962, 42 U.S.C. 6393(a)(2)(A)), but only to the extent applicable to other functions delegated or assigned by this Order to the Secretary of Energy.

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[Sec. 6 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136, as amended by EO 12156 of Sept. 10, 1979, 44 FR 53073, 3 CFR, 1979 Comp., p. 427]

SEC. 7. (a) The Director, Federal Emergency Management Agency, is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 101(c) of the Defense Production Act of 1950, as amended (89 Stat. 878, 50 U.S.C. App. 2071(c)).

(b) The Director, Federal Emergency Management Agency, shall redelegate the functions provided by section 101(c)(1) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce.

(c) The Director, Federal Emergency Management Agency, shall redelegate the functions provided by section 101(c)(3) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce, who shall redelegate those functions, except the findings that the supplies are scarce and that it is necessary to exercise the authority provided by section 101(c)(1), to the Secretary of Energy.

(d) The Administrator of General Services shall provide for the overall coordination and direction of the functions provided by section 101(c) of the Defense Production Act of 1950, as amended, in a manner similar to the exercise of functions under sections 101 (a) and (b) of that Act; except that, the Administrator shall first obtain the approval of the President if the implementation of any authority under section 101(c) of that Act would result in controlling the general distribution of materials in the civilian market, as that phrase is used in section 101(b) of that Act.

[Sec. 7 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136, as amended by EO 12156 of Sept. 10, 1979, 44 FR 53073, 3 CFR, 1979 Comp., p. 427, EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 8. Nothing in this Order shall be deemed or construed to limit the provisions of Executive Order No. 11790 of June 25, 1974, except that any action taken pursuant to the Defense Production Act of 1950, as amended, requiring the allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies shall be taken in accordance with the provisions of section 7 of this Order rather than Executive Order No. 11790.

SEC. 9. All orders, regulations, circulars or other directives issued and all other action taken prior to the date of this order that would be valid under the authority delegated by this Order, are hereby confirmed and ratified and shall be deemed to have been issued under this order.

SEC. 10. (a) (1) The Secretary of Energy, hereinafter referred to as the Secretary, shall develop, with the concurrence of the Director of the Office of Management and Budget, and in consultation with the Secretary of Defense, the Secretary of Housing and Urban Development, the Administrator of Veterans' Affairs, the Administrator of General Services, and the heads of such other Executive agencies as he deems appropriate, the ten-year plan for energy conservation with respect to Government buildings, as provided by section 381(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6361(a)(2)).

(2) The goals established in subsection (b) shall apply to the following categories of Federally-owned buildings: (i) office buildings, (ii) hospitals, (iii) schools, (iv) prison facilities, (v) multi-family dwellings.

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(vi) storage facilities, and (vii) such other categories of buildings for which the Secretary determines the establishment of energy-efficiency performance goals is feasible.

(b) The Secretary shall establish requirements and procedures, which shall be observed by each agency unless a waiver is granted by the Secretary, designed to ensure that each agency to the maximum extent practicable aims to achieve the following goals:

(1) For the total of all Federally-owned existing buildings the goal shall be a reduction of 20 percent in the average annual energy use per gross square foot of floor area in 1985 from the average energy use per gross square foot of floor area in 1975. This goal shall apply to all buildings for which construction was or design specifications were completed prior to the date of promulgation of the guidelines pursuant to subsection (d) of this Section.

(2) For the total of all Federally-owned new buildings the goal shall be a reduction of 45 percent in the average annual energy requirement per gross square foot of floor area in 1985 from the average annual energy use per gross square foot of floor area in 1975. This goal shall apply to all new buildings for which design specifications are completed after the date of promulgation of the guidelines pursuant to subsection (d) of this Section.

(c) The Secretary with the concurrence of the Director of the Office of Management and Budget, in consultation with the heads of the Executive agencies specified in subsection (a) and the Director of the National Bureau of Standards, shall establish, for purposes of developing the ten-year plan, a practical and effective method for estimating and comparing life cycle capital and operating costs for Federal buildings, including residential, commercial, and industrial type categories. Such method shall be consistent with the Office of Management and Budget Circular No. A-94, and shall be adopted and used by all agencies in developing their plans pursuant to subsection (e), annual reports pursuant to subsection (g), and budget estimates pursuant to subsection (h). For purposes of this paragraph, the term "life cycle cost" means the total costs of owning, operating, and maintaining a building over its economic life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems.

(d) Not later than November 1, 1977, the Secretary, with the concurrence of the Director of the Office of Management and Budget, and after consultation with the Administrator of General Services and the heads of the Executive agencies specified in subsection (a) shall issue guidelines for the plans to be submitted pursuant to subsection (e).

(e) (1) The head of each Executive agency that maintains any existing building or will maintain any new building shall submit no later than six months after the issuance of guidelines pursuant to subsection (d), to the Secretary a ten-year plan designed to the maximum extent practicable to meet the goals in subsection (b) for the total of existing or new Federal buildings. Such ten-year plans shall only consider improvements that are cost-effective consistent with the criteria established by the Director of the Office of Management and Budget (OMB Circular A-94) and the method established pursuant to subsection (c) of this Section. The plan submitted shall specify appropriate energy-saving initiatives and shall estimate the expected improvements by fiscal year in terms of

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specific accomplishments—energy savings and cost savings—together with the estimated costs of achieving the savings.

(2) The plans submitted shall, to the maximum extent practicable, include the results of preliminary energy audits of all existing buildings with over 30,000 gross square feet of space owned and maintained by Executive agencies. Further, the second annual report submitted under subsection (g)(2) of this Section shall, to the maximum extent practicable, include the results of preliminary energy audits of all existing buildings with more than 5,000 but not more than 30,000 gross square feet of space. The purpose of such preliminary energy audits shall be to identify the type, size, energy use level and major energy using systems of existing Federal buildings.

(3) The Secretary shall evaluate agency plans relative to the guidelines established pursuant to subsection (d) for such plans and relative to the cost estimating method established pursuant to subsection (c). Plans determined to be deficient by the Administrator will be returned to the submitting agency head for revision and resubmission within 60 days.

(4) The head of any Executive agency submitting a plan, should he disagree with the Secretary's determination with respect to that plan, may appeal to the Director of the Office of Management and Budget for resolution of the disagreement.

(f) The head of each agency submitting a plan or revised plan determined not deficient by the Secretary or, on appeal, by the Director of the Office of Management and Budget, shall implement the plan in accord with approved budget estimates.

(g) (1) Each Executive agency shall submit to the Secretary an overall plan for conserving fuel and energy in all operations of the agency. This overall plan shall be in addition to and include any ten-year plan for energy conservation in Government buildings submitted in accord with Subsection (e).

(2) By July 1 of each year, each Executive agency shall submit a report to the Secretary on progress made toward achieving the goals established in the overall plan required by paragraph (1) of this subsection. The annual report shall include quantitative measures and accomplishment with respect to energy saving actions taken, the cost of these actions, the energy saved, the costs saved, and other benefits realized.

(3) The Secretary shall prepare a consolidated annual report on Federal government progress toward achieving the goals, including aggregate quantitative measures of accomplishment as well as suggested revisions to the ten-year plan, and submit the report to the President by August 15 of each year.

(h) Each agency required to submit a plan shall submit to the Director of the Office of Management and Budget with the agency's annual budget submission, and in accordance with procedures and requirements that the Director shall establish, estimates for implementation of the agency's plan. The Director of the Office of Management and Budget shall consult with the Secretary about the agency budget estimates.

(i) Each agency shall program its proposed energy conservation improvements of buildings so as to give the highest priority to the most cost-effective projects.

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(j) No agency of the Federal Government may enter into a lease or a commitment to lease a building the construction of which has not commenced by the effective date of this Order unless the building will likely meet or exceed the general goal set forth in subsection (b)(2).

(k) The provisions of this Section do not apply to housing units repossessed by the Federal Government.

[Sec. 10 added by EO 12003 of July 20, 1977, 42 FR 37523, 3 CFR, 1977 Comp., p. 134; amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136, as amended by EO 12156 of Sept. 10, 1979, 44 FR 53073, 3 CFR, 1979 Comp., p. 427]

Executive Order 11932—Classification of certain information and material obtained from advisory bodies created to implement the International Energy Program

SOURCE: The provisions of Executive Order 11932 of Aug. 4, 1976, appear at 41 FR 32691, 3 CFR, 1976 Comp., p. 140, unless otherwise noted.

The United States has entered into the Agreement on an International Energy Program of November 18, 1974, which created the International Energy Agency. This program is a substantial factor in the conduct of our foreign relations and an important element of our national security. The effectiveness of the Agreement depends significantly upon the provision and exchange of information and material by participants in advisory bodies created by the International Energy Agency. Confidentiality is essential to assure the free and open discussion necessary to accomplish the tasks assigned to those bodies. I have consulted with the Secretary of State, the Attorney General and the Administrator of the Federal Energy Administration concerning the handling and safeguarding of information and material in the possession of the United States which has been obtained pursuant to the program, and I find that some of such information and material requires protection as provided in Executive Order No. 11652 of March 8, 1972, as amended.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Information and material obtained pursuant to the International Energy Program and which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States shall be classified pursuant to Executive Order No. 11652 of March 8, 1972, as amended. The Secretary of State shall have the responsibility for the classification, declassification and safeguarding of information and material in the possession of the United States Government which has been obtained pursuant to:

(a) Section 252 (c)(3), (d)(2) or (e)(3) of the Energy Policy and Conservation Act (89 Stat. 871; 42 U.S.C. 6272 (c)(3), (d)(2), (e) (3)), or

(b) The Voluntary Agreement and Program relating to the International Energy Program (40 FR 16041, April 8, 1975), or

(c) Any similar Voluntary Agreement and Program entered into under the Energy Policy and Conservation Act after the date of this Order.

SEC. 2. Information or material classified pursuant to Section 1 of this Order may be exempted from the General Declassification Schedule established by Section 5 of Executive Order No. 11652 if it was obtained

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by the United States on the understanding that it be kept in confidence, or if it might otherwise be exempted under Section 5(B) of such Order.

SEC. 3. (a) Within 60 days of the date of this Order, the Secretary of State shall promulgate regulations which implement his responsibilities under this Order.

(b) The directives issued under Section 6 of Executive Order No. 11652 shall not apply to information and material classified under this Order. However, the regulations promulgated by the Secretary of State shall:

(1) conform, to the extent practicable, to the policies set forth in Section 6 of Executive Order No. 11652; and

(2) provide that he may take such measures as he deems necessary and appropriate to ensure the confidentiality of any information and material classified under this Order that may remain in the custody or control of any person outside the United States Government.

Executive Order 12038—Relating to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act

SOURCE: The provisions of Executive Order 12038 of Feb. 3, 1972, appear at 43 FR 4957, 3 CFR, 1978 Comp., p. 136, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, in order to reflect the responsibilities of the Secretary of Energy for the performance of certain functions previously vested in other officers of the United States by direction of the President and subsequently transferred to the Secretary of Energy pursuant to the Department of Energy Organization Act (91 Stat. 565; 42 U.S.C. 7101 *et seq.*), it is hereby ordered as follows:

SECTION 1. *Functions of the Federal Energy Administration.*

[Sec. 1 amends EO 11647 of Feb. 10, 1972, which was revoked by EO 12149 of July 20, 1979; EO 11790 of June 25, 1974, this chapter, p. 186; EO 11912 of Apr. 13, 1976, this chapter, p. 187; and Proc. 3279 of Mar. 10, 1959, which was revoked by Proc. 5141 of Dec. 22, 1983. The amendments have been incorporated into those documents codified in this volume.]

SEC. 2. *Functions of the Federal Power Commission.*

[Sec. 2 amends EO 10485 of Sept. 3, 1953, this chapter, p. 181, and EO 11969 of Feb. 1977, which was revoked by EO 12553 of Feb. 25, 1986. The amendments have been incorporated into EO 10485. Additionally, Sec. 2 amended EO 11331 of Mar. 6, 1966, which was revoked by EO 12319 of Sept. 9, 1981.]

SEC. 3. *Functions of the Secretary of the Interior.*

[Sec. 3 amends EO 8526 of Aug. 27, 1940, Chapter 18, p. 322, and EO 11177 of Sept. 1, 1964, Chapter 33, p. 667. The amendments have been incorporated into those orders.]

SEC. 4. *Functions of the Atomic Energy Commission and the Energy Research and Development Administration.*

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[Sec. 4 modifies current Executive orders which refer to functions of the Atomic Energy Commission, including specifically EO 10127 of May 23, 1950, which was revoked by FR Doc. 61-9007 of Sept. 15, 1961 (26 FR 8883); EO 10565 of Feb. 20, 1960, Chapter 32, p. 628; EO 10899 of Dec. 9, 1960, Chapter 32, p. 632; EO 11057 of Oct. 18, 1962, Chapter 22, p. 361; EO 11477 of Aug. 7, 1969, this chapter, p. 186; EO 11752 of Dec. 17, 1973, which was revoked by EO 12088 of Oct. 13, 1978; and EO 11761 of Jan. 17, 1974, which was revoked by EO 12553 of Feb. 25, 1986. The modifications have been noted to those orders where applicable. Additionally, sec. 4 amended EO 11652 of Mar. 8, 1972, which was revoked by EO 12065 of June 28, 1978; EO 11902 of Feb. 2, 1976, which was revoked by EO 12058 of May 11, 1978; EO 11905 of Feb. 18, 1976, which was superseded by EO 12036 of Jan. 24, 1978; EO 11345 of Apr. 20, 1967, which was revoked by EO 12319 of Sept. 9, 1981; EO 11371 of Sept. 6, 1967, which was revoked by EO 12319 of Sept. 9, 1981; EO 11578 of Jan. 13, 1971, which was revoked by EO 12319 of Sept. 9, 1981; EO 11658 of Mar. 22, 1972, which was revoked by EO 12319 of Sept. 9, 1981; and EO 11659 of Mar. 22, 1972, which was revoked by EO 12319 of Sept. 9, 1981.]

SEC. 5. *Special Provisions Relating to Emergency Preparedness and Mobilization Functions.*

[Sec. 5 amends EO 10480 of Aug. 14, 1953, Chapter 32, p. 533, and EO 11490 of Oct. 28, 1969, which was revoked by EO 12656 of Nov. 18, 1988. The amendments have been incorporated into EO 10480.]

SEC. 6. This Order shall be effective as of October 1, 1977, the effective date of the Department of Energy Organization Act pursuant to the provisions of Section 901 thereof and Executive Order No. 12009 of September 13, 1977, and all actions taken by the Secretary of Energy on or after October 1, 1977, which are consistent with the foregoing provisions are entitled to full force and effect.

Executive Order 12142—The Alaska Natural Gas Transportation System

SOURCE: The provisions of Executive Order 12142 of June 21, 1979, appear at 44 FR 36927, 3 CFR, 1979 Comp., p. 400, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 301 of Title 3 of the United States Code and Sections 201 and 205 of Reorganization Plan No. 1 of 1979, it is hereby ordered as follows:

1-101. Reorganization Plan No. 1 of 1979, not having been disapproved by Congress (S. Res. 126, 125 Cong. Rec. S 6563-64 (May 23, 1979); H. Res. 199, 125 Cong. Rec. H 3950-51 (May 31, 1979)), shall be effective on July 1, 1979.

1-102. In accord with Section 201 of that Plan, there is hereby established the Executive Policy Board for the system for the transportation of Alaska natural gas ("the System") as such system is defined in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 *et seq.*).

1-103. The Board shall consist of the Secretaries of the Departments of Agriculture, Energy, Labor, Transportation, and the Interior, the Administrator of the Environmental Protection Agency, the Chief of Engineers of the United States Army, and the Chairman of the Federal Energy Regulatory Commission. Additional members may be elected to the Board by vote of a majority of the members. The Board will by majority vote elect a Chairman to serve for a one-year term.

1-104. The Board shall perform the following functions:

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(a) Advise the Federal Inspector for the Alaska Natural Gas Transportation System (the "Federal Inspector") established by Reorganization Plan No. 1 of 1979, on policy issues in accord with applicable law and existing Departmental or Agency policies.

(b) Provide advice, through the Federal Inspector, to the officers representing and exercising the functions of the Federal Departments and Agencies that concern the System ("Agency Authorized Officers").

(c) Advise the Federal Inspector and the Agency Authorized Officers on matters concerning enforcement actions.

(d) At least every six months, assess the progress made and problems encountered in constructing the System and make necessary recommendations to the Federal Inspector.

1-105. The Federal Inspector shall keep the Board informed of the progress made and problems encountered in the course of construction of the System.

1-106. Whenever the Federal Inspector determines that implementation of Departmental or Agency enforcement policies and procedures would require action inconsistent with Section 9 of the Alaska Natural Gas Transportation Act of 1976, the Federal Inspector shall issue a written statement of such determination including a complete factual and legal basis for the determination. A copy of each statement shall be forwarded promptly to the Board and made available to the public by the Federal Inspector.

1-107. After written notice of a proposed enforcement action is given by the Federal Inspector, the Federal Inspector will be subject to the rules of procedure for *ex parte* contacts as reflected in the guidelines and policies of Departments and Agencies from which the specific enforcement authority is transferred.

1-108. The Federal Inspector and all employees of the Office of the Federal Inspector shall be subject to the provisions of Executive Order No. 11222, concerning standards of conduct for Federal employees. The Federal Inspector shall issue standards of conduct, pursuant to the Order, for the Office of the Federal Inspector.

1-109. To the extent permitted by law, each Department and Agency shall cooperate with and furnish necessary information and assistance to the Board in the performance of its functions.

1-110. This Order shall be effective on July 1, 1979.

Executive Order 12185—Conservation of petroleum and natural gas

SOURCE: The provisions of Executive Order 12185 of Dec. 17, 1979, appear at 44 FR 75093, 3 CFR, 1979 Comp., p. 474, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Public Law 95-620) and Section 301 of Title 3 of the United States Code, in order to encourage additional conservation of petroleum and natural gas by recipients of Federal financial assistance, it is hereby ordered as follows:

1-101. Each Federal agency, as that term is defined in Section 103(a)(25) of the Powerplant and Industrial Fuel Act of 1978 (92 Stat. 3297), shall effectuate through its financial assistance programs the pur-

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poses of that Act relating to the conservation of petroleum and natural gas.

1-102. Each Federal agency which extends financial assistance shall review those programs of financial assistance and identify those which are most likely to offer opportunities for significant conservation of petroleum and natural gas.

1-103. Within two months, and annually thereafter, each agency shall publish for comment a list of those programs which it has identified as likely to offer significant opportunity for conservation. The public shall be given 60 days to submit comments, including suggestions for rules which would effectuate the conservation purposes of the Act.

1-104. After receiving public comment and suggestions, and after consulting with the Director of the Office of Management and Budget, each agency shall publish proposed rules designed to achieve conservation of petroleum and natural gas in connection with the receipt of financial assistance.

Proposed rules should be published within 30 days of the close of the comment period under Section 1-103.

1-105. Final rules shall be adopted by each agency in accordance with the provisions of Sections 102(b), 403(b) and 701(a) of the Powerplant and Industrial Fuel Use Act of 1978, and the provisions of this Order, not later than 180 days from the date of this Order.

1-106. No one shall be awarded any financial assistance unless that award complies with the provisions of the conservation rules adopted by the agency pursuant to this Order.

1-107. To the extent permitted by law and where not inconsistent with the financial assistance program, final rules may provide for the reduction or suspension of financial assistance under any award. Such reduction or suspension shall not be ordered until there has been an opportunity for hearing on the record, and shall last for such time as the recipient fails to comply with the terms of the conservation rule.

1-108. No conservation rule shall be adopted which is inconsistent with the statutory provisions establishing the financial assistance program.

1-109. No conservation rule shall be used to enforce compliance with any prohibition under the Act against any person or facility which has been specifically determined by the Secretary of Energy as subject to or exempt from a prohibition under the Act. The conservation rules shall be used to enforce other new ways of achieving the purposes of the Act related to the conservation of petroleum and natural gas.

1-110. In order to assess the effectiveness of this program, each agency shall annually prepare a report on its activities in accord with Section 403(b)(1)(B) of the Act. These reports shall be submitted to the President through the Secretary of Energy.

1-111. The Secretary of Energy shall prepare for the President's consideration and transmittal to the Congress the report required by Section 403(c) of the Act.

1-112. The Director of the Office of Management and Budget may issue any rules, regulations, or orders he deems necessary to ensure the implementation of this Order. The Director may exercise any of the authority vested in the President by Section 403(b) of the Act, and may redelegate such of that authority as he deems appropriate to the head of any other agency.

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Executive Order 12231—Strategic petroleum reserve

SOURCE: The provisions of Executive Order 12231 of Aug. 4, 1980, appear at 45 FR 52139, 3 CFR, 1980 Comp., p. 274, unless otherwise noted.

By the authority vested in me as President of the United States of America by Title VIII of the Energy Security Act (Public Law 96-294) and by Section 301 of Title 3 of the United States Code, and in order to meet the goals and requirements for the strategic petroleum reserve, it is hereby ordered as follows:

1-101. The functions vested in the President by Section 160(c) of the Energy Policy and Conservation Act, as amended, are delegated to the Secretary of Energy (42 U.S.C. 6240(c); see Section 801 of the Energy Security Act).

1-102. The functions vested in the President by Section 7430(k) of Title 10 of the United States Code are delegated to the Secretary of Energy (see Section 804(b) of the Energy Security Act).

1-103. The functions vested in the President by Section 805(a) of the Energy Security Act are, consistent with Section 2 of Executive Order No. 11790, as amended, delegated to the Secretary of Energy.

Executive Order 12235—Management of natural gas supply emergencies

SOURCE: The provisions of Executive Order 12235 of Sept. 3, 1980, appear at 45 FR 58803, 3 CFR, 1980 Comp., p. 278, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 304(d) of the Natural Gas Policy Act of 1978 (92 Stat. 3387; 15 U.S.C. 3364(d)) and Section 301 of Title 3 of the United States Code, and in order to assign management responsibility in case of a natural gas supply emergency, it is hereby ordered as follows:

1-101. The functions vested in the President by Sections 301 through 304(c) of the Natural Gas Policy Act of 1978 (92 Stat. 3381-3387; 15 U.S.C. 3361-3364(c)) are delegated to the Secretary of Energy; except for the authority to declare, extend, and terminate a natural gas supply emergency pursuant to Section 301 thereof (15 U.S.C. 3361).

1-102. The functions vested in the President by Section 607 of the Public Utility Regulatory Policies Act of 1978 (92 Stat. 3171; 15 U.S.C. 717z) are delegated to the Secretary of Energy; except for the authority to declare, extend, and terminate a natural gas supply emergency pursuant to Section 607 (a) and (b) thereof (15 U.S.C. 717z (a) and (b)).

1-103. The Secretary shall consult with the Administrator of the Environmental Protection Agency, the Director of the Federal Emergency Management Agency, and the heads of other Executive agencies in exercising the functions delegated to him by this Order.

1-104. All functions delegated to the Secretary by this Order may be redelegated, in whole or in part, to the head of any other agency.

1-105. All Executive agencies shall, to the extent permitted by law, cooperate with and assist the Secretary in carrying out the functions delegated to him by this Order.

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Executive Order 12287—Decontrol of crude oil and refined petroleum products

SOURCE: The provisions of Executive Order 12287 of Jan. 28, 1981, appear at 46 FR 9909, 3 CFR, 1981 Comp., p. 124, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), and notwithstanding the delegations to the Secretary of Energy in Executive Order No. 11790, as amended by Executive Order No. 12038, and in order to provide for an immediate and orderly decontrol of crude oil and refined petroleum products, it is hereby ordered as follows:

SECTION 1. All crude oil and refined petroleum products are exempted from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended. The Secretary of Energy shall promptly take such action as is necessary to revoke the price and allocation regulations made unnecessary by this Order.

SEC. 2. Notwithstanding Section 1 of this Order:

(a) All reporting and record-keeping requirements in effect under the Emergency Petroleum Allocation Act, as amended, shall continue in effect until eliminated or modified by the Secretary of Energy. The Secretary of Energy shall promptly review those requirements and shall eliminate them, except for those that are necessary for emergency planning and energy information gathering purposes required by law.

(b) The State set-aside for middle distillates (Special Rule 10, 10 CFR Part 211, Subpart A, Appendix A) shall remain in effect until March 31, 1981.

(c) The special allocation of middle distillates for surface passenger mass transportation (Special Rule 9, 10 CFR Part 211, Subpart A, Appendix A) shall remain in effect until March 31, 1981.

(d) The Buy-Sell lists and orders issued prior to this Order under the Buy-Sell Program and the Emergency Buy-Sell Program (10 CFR 211.65) shall remain in effect according to their terms and the Secretary of Energy may issue such further orders as may be necessary to give effect to lists and orders issued prior to this Order.

(e) The Canadian Allocation Program (10 CFR Part 214) shall remain in effect until March 31, 1981.

SEC. 3. The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

SEC. 4. The Secretary of Energy is authorized to take such other actions as he deems necessary to ensure that the purposes of this Order are effectuated.

SEC. 5. Because advance notice of and public procedure on the decontrol provided by this Order would be likely to cause actions that could lead to economic distortions and dislocations, and would therefore be contrary to the public interest, this Order shall be effective immediately.

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Executive Order 12346—Synthetic fuels

SOURCE: The provisions of Executive Order 12346 of Feb. 8, 1983, appear at 47 FR 5993, 3 CFR, 1982 Comp., p. 132, unless otherwise noted.

By the authority vested in me as President by Section 305(k) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2095(k)), and having determined that the United States Synthetic Fuels Corporation is established and fully operational consistent with the provisions of the United States Synthetic Fuels Corporation Act of 1980 (Public Law 96-294; 94 Stat. 633 *et seq.*), and to provide for an orderly transition of synthetic fuel responsibilities from the Department of Energy to the United States Synthetic Fuels Corporation, it is hereby ordered as follows:

SECTION 1. No new awards for purchases or commitments for financial assistance shall be made under the provisions of Section 305 of the Defense Production Act of 1950, as amended.

SEC. 2. Synthetic fuels projects or actions initiated by the Department of Energy shall, to the extent provided in the Supplemental Appropriations and Rescissions Act, 1980 (Public Law 96-304; 94 Stat. 880-881), transfer to the Corporation upon a majority vote of the Board of Directors of the Corporation, and unexpended balances of the funds obligated for such projects shall be transferred to the Corporation to the extent such projects are transferred to the Corporation.

SEC. 3. The balance of the amounts not committed or not conditionally committed by the Department of Energy which were appropriated by Public Law 96-304 and Public Law 96-126 from the Energy Security Reserve to the Department of Energy are available as provided in the Supplemental Appropriations and Rescissions Act, 1981 (Public Law 97-12; 95 Stat. 48), to carry out the provisions of Title I of the Energy Security Act (Public Law 96-294; 94 Stat. 616 *et seq.*).

SEC. 4. Executive Order No. 12242 of September 30, 1980 is revoked.

SEC. 5. Notwithstanding the revocation of Executive Order No. 12242, the provisions of that Order shall continue in full force and effect with respect to any loan guarantee issued under the provisions of that Order.

Executive Order 12659—Delegation of authority regarding the Naval Petroleum and Oil Shale Reserves

SOURCE: The provisions of Executive Order 12659 of Dec. 15, 1988, appear at 53 FR 50911, 3 CFR, 1988 Comp., p. 616, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 301 of title 3 and sections 7427 and 7428 of title 10 of the United States Code, and in order to meet the goals and requirements of the Naval Petroleum and Oil Shale Reserves, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by sections 7427 and 7428 of title 10 of the United States Code are delegated to the Secretary of Energy.

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SEC. 2. On or before June 30, 1991, the Secretary of Energy shall prepare and submit to the President a comprehensive report of the agreements and programs executed under the authority granted under this Order. The authority delegated herein expires after October 1, 1991.

CHAPTER 11—[RESERVED]

CHAPTER 12—BANKS AND BANKING

Executive Orders

- 12166 Export-Import Bank
- 12170 Blocking Iranian Government property
- 12276 Direction relating to establishment of escrow accounts
- 12277 Direction to transfer Iranian Government assets
- 12278 Direction to transfer Iranian Government assets overseas
- 12779 Direction to transfer Iranian Government assets held by domestic banks
- 12280 Direction to transfer Iranian Government financial assets held by non-banking institutions
- 12281 Direction to transfer certain Iranian Government assets
- 12598 Action against certain assets of disputed title

Executive Order 12166—Export-Import Bank

SOURCE: The provisions of Executive Order 12166 of Oct. 19, 1979, appear at 44 FR 4971, 3 CFR, 1979 Comp., p. 434, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(1)(B)), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. The function vested in the President by Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(1)(B)), is delegated to the Secretary of State. That function is the authority to determine that a denial by the Export-Import Bank of an application for credit would be in the national interest, where such action could clearly and importantly advance United States policy in such areas as international terrorism, nuclear proliferation, environmental protection and human rights.

1-102. Before making such a determination, the Secretary of State shall consult with the Secretary of Commerce and the heads of other interested Executive agencies.

1-103. In accord with Section 2(b)(1)(B) of that Act, only in those cases where the Secretary of State has made such a determination

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should the Export-Import Bank deny an application for credit for non-financial or noncommercial considerations.

Executive Order 12170—Blocking Iranian Government property

SOURCE: The provisions of Executive Order 12170 of Nov. 14, 1979, appear at 44 FR 65729, 3 CFR, 1979 Comp., p. 457, unless otherwise noted.

CROSS REFERENCE: See also Executive Orders 12205 of Apr. 7, 1980, Chapter 15, p. 277, and 12211 of Apr. 17, 1980, Chapter 15, p. 279, for prohibitions on transactions with Iran, and Executive Order 12282 of Jan. 19, 1981, Chapter 15, p. 286, which revokes those prohibitions.

Pursuant to the authority vested in me as President by the Constitution and laws of the United States including the International Emergency Economic Powers Act, 50 U.S.C. sec. 1701 *et seq.*, the National Emergencies Act, 50 U.S.C. sec. 1601 *et seq.*, and 3 U.S.C. sec. 301.

I, JIMMY CARTER, President of the United States, find that the situation in Iran constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order blocked all property and interests in property of the Government of Iran, its instrumentalities and controlled entities and the Central Bank of Iran which are or become subject to the jurisdiction of the United States or which are in or come within the possession or control of persons subject to the jurisdiction of the United States.

The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the provisions of this order.

This order is effective immediately and shall be transmitted to the Congress and published in the FEDERAL REGISTER.

EDITORIAL NOTE: Notices of the continuation of the national emergency declared by Executive Order 12170 were transmitted by the President to the Congress and the Office of the Federal Register on Nov. 12, 1980 (45 FR 75159, 3 CFR, 1980 Comp., p. 340), Nov. 12, 1981 (46 FR 55915, 3 CFR, 1981 Comp., p. 233), Nov. 8, 1982 (47 FR 50841, 3 CFR, 1982 Comp., p. 253), Nov. 4, 1983 (48 FR 51277, 3 CFR, 1983 Comp., p. 240), Nov. 7, 1984 (49 FR 44741, 3 CFR, 1984 Comp., p. 252), Nov. 1, 1985 (50 FR 45901, 3 CFR, 1985 Comp., p. 425), Nov. 10, 1986 (51 FR 41067, 3 CFR, 1986 Comp., p. 276), Nov. 10, 1987 (52 FR 43549, 3 CFR, 1987 Comp., p. 314), and Nov. 8, 1988 (53 FR 45750, 3 CFR, 1988 Comp., p. 650).

Executive Order 12276—Direction relating to establishment of escrow accounts

SOURCE: The provisions of Executive Order 12276 of Jan. 19, 1981, appear at 46 FR 7913, 3 CFR, 1981 Comp., p. 104, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Execu-

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tive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The Secretary of the Treasury is authorized to enter into, and to license, authorize, direct, and compel any appropriate official and/or the Federal Reserve Bank of New York, as fiscal agent of the United States, to enter into escrow or related agreements with a foreign central bank and with the Central Bank of Algeria under which certain money and other assets, as and when directed by the Secretary of the Treasury, shall be credited by the foreign central bank to an escrow account on its books in the name of the Central Bank of Algeria, for transfer to the Government of Iran if and when the Central Bank of Algeria receives from the Government of Algeria a certification that the 52 U.S. diplomats and nationals being held hostage in Iran have safely departed from Iran. Such agreements shall include other parties and terms as determined by the Secretary of the Treasury to be appropriate to carry out the purposes of this Order.

1-102. The Secretary of the Treasury is authorized to license, authorize, direct, and compel the Federal Reserve Bank of New York, as fiscal agent of the United States, to receive certain money and other assets in which Iran or its agencies, instrumentalities, or controlled entities have an interest and to hold or transfer such money and other assets, and any interest earned thereon, in such a manner as he deems necessary to fulfill the rights and obligations of the United States under the Declaration of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, and the escrow and related agreements described in paragraph 1-101 of this Order. Such money and other assets may be held in interest-bearing form and where possible shall be invested with or through the entity holding the money or asset on the effective date of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets referred to in paragraphs 1-101 and 1-102 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

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Executive Order 12277—Direction to transfer Iranian Government assets

SOURCE: The provisions of Executive Order 12277 of Jan. 19, 1981, appear at 46 FR 7915, 3 CFR, 1981 Comp., p. 105, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. The Federal Reserve Bank of New York is licensed, authorized, directed, and compelled to transfer to accounts at the Bank of England, and subsequently to transfer to accounts at the Bank of England established pursuant to an escrow agreement approved by the Secretary of the Treasury, all gold bullion, and other assets (or the equivalent thereof) in its custody, of the Government of Iran, or its agencies, instrumentalities or controlled entities. Such transfers shall be executed when and in the manner directed by the Secretary of the Treasury. The Secretary of the Treasury is also authorized to license, authorize, direct, and compel the Federal Reserve Bank of New York to engage in whatever further transactions he deems appropriate and consistent with the purposes of this Order, including any transactions related to the return of such bullion and other assets pursuant to the escrow agreement.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

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(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Order, any other Executive Order licensing, authorizing, directing, or compelling the transfer of the assets described in section 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

Executive Order 12278—Direction to transfer Iranian Government assets overseas

Source: The provisions of Executive Order 12278 of Jan. 19, 1981, appear at 46 FR 7917, 10895, 3 CFR, 1981 Comp., p. 107, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any branch or office of a United States bank or subsidiary thereof, which branch or office is located outside the territory of the United States and which on or after 8:10 a.m. E.S.T. on November 14, 1979 (a) has been or is in possession of funds or securities legally or

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beneficially owned by the Government of Iran or its agencies, instrumentalities, or controlled entities, or (b) has carried or is carrying on its books deposits standing to the credit of or beneficially owned by such Government, agencies, instrumentalities, or controlled entities, is licensed, authorized, directed, and compelled to transfer such funds, securities, and deposits, including interest from November 14, 1979, at commercially reasonable rates, to the account of the Federal Reserve Bank of New York at the Bank of England, to be held or transferred as directed by the Secretary of the Treasury. The Secretary of the Treasury shall determine when the transfers required by this section shall take place. The funds, securities and deposits described in this section shall be further transferred as provided for in the Declaration of the Government of the Democratic and Popular Republic of Algeria and its Annex.

1-102. Any banking institution subject to the jurisdiction of the United States that has executed a set-off on or after November 14, 1979, at 8:10 a.m. E.S.T. against Iranian funds, securities, or deposits referred to in section 1-101 is hereby licensed, authorized, directed, and compelled to cancel such set-off and to transfer all funds, securities, and deposits which have been subject to such set-off, including interest from November 14, 1979, at commercially reasonable rates, pursuant to the provisions of section 1-101 of this Order.

1-103. If the funds, securities, and deposits described in section 1-101 are not promptly transferred to the control of the Government of Iran, such funds, securities, and deposits shall be returned to the banking institutions holding them on the effective date of this Order and the set-offs described in section 1-102 shall be in force as if this Order had not been issued and the status of all such funds, securities, deposits and set-offs shall be *status quo ante*.

1-104. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Sections 1-101 and 1-102 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in Sections 1-101 and 1-102 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. E.S.T., including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Sections 1-101 and 1-102 of this Order.

1-105. Compliance with this Order, any other Executive Order licensing, authorizing, directing, or compelling the transfer of the assets described in Sections 1-101 and 1-102 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof

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be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-106. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-107. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-108. This Order shall be effective immediately.

Executive Order 12279—Direction to transfer Iranian Government assets held by domestic banks

SOURCE: The provisions of Executive Order 12279 of Jan. 19, 1981, appear at 46 FR 7919, 10897, 3 CFR, 1981 Comp., p. 109, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any branch or office of a banking institution subject to the jurisdiction of the United States, which branch or office is located within the United States and is, on the effective date, either (a) in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities, or controlled entities, or (b) carrying on its books deposits standing to the credit of or beneficially owned by such Government, agencies, instrumentalities, or controlled entities is licensed, authorized, directed and compelled to transfer such funds, securities, and deposits, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, to be held or transferred as directed by the Secretary of the Treasury.

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1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in section 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

Executive Order 12280—Direction to transfer Iranian Government financial assets held by non-banking institutions

SOURCE: The provisions of Executive Order 12280 of Jan. 19, 1981, appear at 46 FR 7921, 3 CFR, 1981 Comp., p. 110, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergen-

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cy in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any person subject to the jurisdiction of the United States which is not a banking institution and is on the effective date in possession or control of funds or securities of Iran or its agencies, instrumentalities, or controlled entities is licensed, authorized, directed and compelled to transfer such funds or securities to the Federal Reserve Bank of New York to be held or transferred as directed by the Secretary of the Treasury.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in paragraph 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emer-

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agency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

Executive Order 12281—Direction to transfer certain Iranian Government assets

SOURCE: The provisions of Executive Order 12281 of Jan. 19, 1981, appear at 46 FR 7923, 3 CFR, 1981 Comp., p. 112, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. All persons subject to the jurisdiction of the United States in possession or control of properties, not including funds and securities, owned by Iran or its agencies, instrumentalities, or controlled entities are licensed, authorized, directed and compelled to transfer such properties (as directed after the effective date of this Order by the Government of Iran, acting through its authorized agent. Except where specifically stated, this license, authorization, and direction does not relieve persons subject to the jurisdiction of the United States from existing legal requirements other than those based upon the International Emergency Economic Powers Act.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons

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claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in paragraph 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

Executive Order 12588—Action against certain assets of disputed title

SOURCE: The provisions of Executive Order 12588 of Mar. 18, 1987, appear at 52 FR 8859, 3 CFR, 1987 Comp., p. 216, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States, including section 204 of the Special Foreign Assistance Act of 1986 (Public Law 99-529) and section 301 of Title 3 of the United States Code, and for the limited purpose of preserving the status quo pending a judicial resolution of the proceedings that have been or may be instituted by the Government of Haiti in its efforts to recover assets allegedly stolen by its former President, Jean Claude Duvalier, and his associates, and without expressing any opinion as to the merits of any claim or defense in any judicial proceeding, it is hereby ordered as follows:

SECTION 1. The acquisition, transfer (including transfer on the books of any issuer, holder, or depository), payment, disposition, transportation, exportation, or withdrawal of, or the recording of interest in or ownership of, or any deed of title, mortgage, or other evidence of ownership or title regarding or dealing in, any real or personal property, of any kind whatsoever, located in the United States and described in Section 2 of this Order is prohibited unless expressly authorized by the Secretary of the Treasury under such terms and conditions as he may prescribe.

SEC. 2. Property will be considered to fall within the scope of this Order and to be subject to the prohibition contained in Section 1 when:

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(a) The Government of Haiti certifies, in writing with appropriate documentation, to the Secretary of the Treasury that:

(1) it has initiated litigation in the Federal or State courts of the United States alleging that the Government of Haiti or its instrumentalities should be awarded title to, custody of, or possession of, the property;

(2) it has evidence reasonably to believe that such property currently is held or possessed by or in the name of Jean Claude Duvalier or other individuals associated with the Duvalier regime, or a taker from Jean Claude Duvalier or his associates;

(3) it has petitioned the court to attach or otherwise restrain the property and has reason to believe that the court would grant such petition were the Government of Haiti to post adequate bond; and

(4) it is unable, without outside assistance, to post the necessary security because of lack of assets;

(b) The Department of Treasury gives notice to the holder of the property that such property falls within the scope of this Order and, in consultation with the Departments of State and Justice, has not determined that an insufficient basis exists for the certification by the Government of Haiti; and

(c) The court which the Government of Haiti has petitioned to attach or otherwise restrain the property has not denied such petition on grounds other than the failure of the Government of Haiti to post adequate bond.

SEC. 3. Upon the entry of final judgment and after exhaustion of any appeals that might be taken, as well as satisfaction of any judgment, in any action in which the property described in Section 2 was sought, the property shall no longer be subject to the prohibition contained in Section 1 of this Order.

SEC. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this Order.

SEC. 5. This Order is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 6. This Order is effective immediately.

CHAPTER 13—BUSINESS CREDIT AND ASSISTANCE

Executive Orders

- 10493 Delegating certain functions of the President to the Administrator of the Small Business Administration
- 11518 Providing for the increased representation of the interests of small business concerns before departments and agencies of the United States Government
- 11580 Establishing a seal for the National Credit Union Administration
- 11625 Prescribing additional arrangements for developing and coordinating a national program for minority business enterprise
- 12138 Creating a National Women's Business Enterprise Policy and prescribing arrangements for developing, coordinating and implementing a national program for women's business enterprise
- 12190 Advisory Committee on Small and Minority Business Ownership
- 12432 Minority business enterprise development
- 12523 National White House Conference on Small Business

Executive Order 10493—Delegating certain functions of the President to the Administrator of the Small Business Administration

SOURCE: The provisions of Executive Order 10493 of Oct. 14, 1953, appear at 18 FR 6583, 3 CFR, 1949-1953 Comp., p. 974, unless otherwise noted.

By virtue of the authority vested in the President by section 301 of title 3 of the United States Code, the Small Business Act of 1953 (Public Law 163, 83d Congress; 67 Stat. 239), and the Defense Production Act of 1950 (64 Stat. 798), as amended, it is ordered as follows:

SECTION 1. The functions conferred upon the President by section 217 of the Small Business Act of 1953 are hereby delegated to the Administrator of the Small Business Administration and shall be carried out as provided in the said section 217.

SEC. 2. There is hereby delegated to the Administrator of the Small Business Administration so much of the functions conferred upon the President by section 708 of the Defense Production Act of 1950, as amended, as is necessary to effect changes in the composition of, or to take other action respecting voluntary agreements and programs relating to, small-business production pools approved prior to July 31, 1953,

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pursuant to the said section 708: *Provided*, That this section shall not be construed as limiting the authority of the Director of the Office of Defense Mobilization¹ under Executive Order No. 10480 of August 14, 1953 (18 F.R. 4939). The functions delegated to the Administrator by this section shall be carried out as provided in section 708 of the Defense Production Act of 1950, as amended.

SEC. 3. Without prejudice to any action taken thereunder, Executive Order No. 10370 of July 7, 1952 (17 F.R. 6141), is hereby revoked.

Executive Order 11518—Providing for the increased representation of the interests of small business concerns before departments and agencies of the United States Government

SOURCE: The provisions of Executive Order 11518 of Mar. 20, 1970, appear at 35 FR 4939, 3 CFR, 1966-1970 Comp., p. 907, unless otherwise noted.

WHEREAS the policy of the Government of the United States is to insure the continuance of a strong and healthy free enterprise system; and

WHEREAS the existence of a strong and healthy free enterprise system is directly related to the well being and competitive strength of small business concerns and their opportunities for free entry into business, growth, and expansion; and

WHEREAS the departments and agencies of the United States Government exercise, through their regulatory and other programs and practices, a significant influence on the well being and competitive strength of business concerns, particularly minority-owned business concerns, and their opportunities for free entry into business, growth and expansion; and

WHEREAS members of minority groups traditionally have aspired to own their own businesses and thereby to participate in our free enterprise system; and

WHEREAS members of certain minority groups through no fault of their own have been denied the full opportunity to achieve these aspirations; and

WHEREAS the policy of the Executive Branch of the United States Government continues to be, as was described by President Dwight D.

¹ EDITORIAL NOTE: The Office of Defense Mobilization was terminated and its functions were consolidated with the Federal Civil Defense Administration into the Office of Defense and Civilian Mobilization by Reorganization Plan No. 1 of 1958, 23 FR 4991, 3 CFR, 1954-1958 Comp., p. 447, effective July 1, 1958. The Office of Defense and Civilian Mobilization was redesignated as the Office of Civil and Defense Mobilization by Pub. L. 85-763 (72 Stat. 861, 50 U.S.C. App. 2271 nt.). Civil defense functions were later transferred to the Secretary of Defense by Executive Order 10952 of July 20, 1961, 26 FR 6577, 3 CFR, 1959-1963 Comp., p. 479 and the remaining organization was redesignated as the Office of Emergency Planning by Pub. L. 87-296 (75 Stat. 630, 50 U.S.C. App. 2271 nt.). The Office of Emergency Planning, which was renamed as the Office of Emergency Preparedness by Pub. L. 90-608 (82 Stat. 1194, 50 U.S.C. App. 2271 nt.), was later terminated by Reorganization Plan No. 1 of 1973, 38 FR 9579, 3 C. R., 1971-1975 Comp. p. 1157, effective July 1, 1973, and its functions were transferred to the Department of the Treasury, Department of Housing and Urban Development, and the General Services Administration.

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Eisenhower, "to strive to eliminate obstacles to the growth of small business"; and

WHEREAS the Small Business Act (72 Stat. 384, 15 U.S.C. 631) declares the Congressional policy that the United States Government should aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns; and

WHEREAS the Small Business Administration is the agency within the Executive Branch of the United States Government especially responsible for and with an established program of advocacy in matters relating to small business; and

WHEREAS section 8(b)(12) of the Small Business Act (72 Stat. 391, 15 U.S.C. 637(b)(12)) empowers the Small Business Administration to consult and cooperate with all Government agencies for the purpose of insuring that small business concerns receive fair and reasonable treatment from such agencies, and section 10(f) of that Act (72 Stat. 393, 15 U.S.C. 639(f)) requires each department and agency of the Federal Government, when requested by the Administrator of the Small Business Administration, to consult and cooperate with the Administration in the formulation by such department or agency of policies affecting small business concerns, in order to insure that small business interests will be recognized, protected, and preserved:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Small Business Act, it is ordered as follows:

SECTION 1. The Small Business Administration, as the spokesman for and advocate of the small business community, shall advise and counsel small business concerns in their dealings with the departments and agencies of the United States Government to the end that the views of small business concerns will be fully heard, their rights fully protected, and their valid interests fully advanced.

SEC. 2. Departments and agencies of the Executive Branch of the United States Government shall call upon the Small Business Administration for advice, guidance, and assistance when considering matters which reasonably can be construed as materially affecting the well being or competitive strength of small business concerns or their opportunities for free entry into business, growth, or expansion. In taking action on such matters, these departments and agencies shall act in a manner calculated to advance the valid interests of small business concerns.

SEC. 3. The Small Business Administration, whenever it determines that the valid interests of small business concerns so warrant, shall take such action as may be appropriate to insure the timely presentation to departments and agencies of the United States Government of matters materially affecting the well being or competitive strength of small business concerns or their opportunities for free entry into business, growth, or expansion. To this end, the Small Business Administration may participate in investigations, hearings, or other proceedings pending before such departments or agencies and submit evidence, briefs, and arguments in accordance with, and to the extent permitted by, the department's or agency's rules of practice and procedure.

SEC. 4. In performing the responsibilities and duties placed on it by this order, the Small Business Administration shall particularly consider the needs and interests of minority-owned small business concerns and

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of members of minority groups seeking entry into the business community.

SEC. 5. Nothing in this order shall be construed to authorize the Small Business Administration to act as an attorney for an individual concern in any investigation, hearing, or other proceeding pending before any department or agency of the United States Government. Nothing in this order shall be construed to subject any department or agency to the authority of any other department or agency, to affect the present authority of any department or agency to participate in the proceedings of another department or agency, or to affect the authority of the Attorney General under 28 U.S.C. 519.

SEC. 6. The term "small business concern" as used in this order shall have the same meaning as in the Small Business Act.

Executive Order 11580—Establishing a seal for the National Credit Union Administration

SOURCE: The provisions of Executive Order 11580 of Jan. 20, 1971, appear at 36 FR 971, 3 CFR, 1971-1975 Comp., p. 537, unless otherwise noted.

WHEREAS the National Credit Union Administration Board has caused to be made, and has recommended that I approve, a seal of office for the National Credit Union Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

A ROOF symbolic of the credit union concept of cooperative protection, shared by the common-bond members of all Federal credit unions since the chartering of the first one in 1934;

A DOOR symbolic both of opportunity and of the protection given members' shares through a newly instituted program of insurance by an agency of the Federal Government;

ALL in white, against a blue background of four sections symbolic of the major advantages of credit union membership: cultivation of thrift, encouragement to save regularly, granting of loans for provident purposes at a reasonable interest rate, and budget and consumer counseling; circled by the title of the National Credit Union Administration.

AND WHEREAS it appears that such a seal is of suitable design and appropriate for adoption as the official seal of the National Credit Union Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Credit Union Administration.

[EO 11580 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 11580, is printed in 3 CFR, 1971-1975 Comp., p. 537.

Executive Order 11625—Prescribing additional arrangements for developing and coordinating a national program for minority business enterprise

SOURCE: The provisions of Executive Order 11625 of Oct. 13, 1971, appear at 36 FR 19967, 3 CFR, 1971-1975 Comp., p. 616, unless otherwise noted.

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The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy.

The Office of Minority Business Enterprise, established in 1969, greatly facilitated the strengthening and expansion of our minority enterprise program. In order to take full advantage of resources and opportunities in the minority enterprise field, we now must build on this foundation. One important way of improving our efforts is by clarifying the authority of the Secretary of Commerce (a) to implement Federal policy in support of the minority business enterprise program; (b) provide additional technical and management assistance to disadvantaged businesses; (c) to assist in demonstration projects; and (d) to coordinate the participation of all Federal departments and agencies in an increased minority enterprise effort.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise.

(4) Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) With the participation of other Federal departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by this order.

(2) Require a coordinated review of all proposed Federal training and technical assistance activities in direct support of the minority en-

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enterprise program to assure consistency with program goals and to avoid duplication.

(3) Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

SEC. 2. [Revoked]

[Sec. 2 revoked by EO 12007 of Aug. 22, 1977, 42 FR 42839, 3 CFR, 1977 Comp., p. 139]

SEC. 3. *Responsibilities of Other Federal Departments and Agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when and in the manner so requested by the Secretary shall furnish information, assistance, and reports to, and shall otherwise cooperate with, the Secretary in the performance of his functions hereunder.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate his Under Secretary or such other similar official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise.

(c) The officials designated under the preceding paragraph, when so requested, shall review and report to the Secretary upon the policies and programs of the minority business enterprise program, and shall keep the Secretary informed of all proposed budgets, plans and programs of his department or agency affecting minority business enterprise.

(d) The head of each Federal department or agency, or a representative designated by him, shall, to the extent provided under regulations issued by the Secretary after consultation with the official designated in paragraph (b) above, report to the Secretary on any activity that falls within the scope of the minority business enterprise program as defined herein and in those regulations.

(e) Each Federal department or agency shall, within constraints of law and appropriations therefor, continue all current efforts to foster and promote minority business enterprises and to support the program herein set forth, and shall cooperate with the Secretary of Commerce in increasing the total Federal effort.

SEC. 4. *Reports.* The Secretary shall, not later than 120 days after the close of each fiscal year, submit to the President a full report of his activities hereunder during the previous fiscal year. Further, the Secretary shall, from time to time, submit to the President his recommendations for legislation or other action as he deems desirable to promote the purposes of this order. Each Federal department or agency shall

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report to the Secretary as hereinabove provided on a timely basis so that the Secretary may consider such reports for his report and recommendations to the President. Each Federal department or agency shall develop and implement systematic data collection processes which will provide to the Office of Minority Business Enterprise Information Center current data helpful in evaluating and promoting the efforts herein described.

SEC. 5. Policies and Standards. The Secretary may establish such policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this order, and generally perform such functions and take such steps as he may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

SEC. 6. Definitions. For purposes of this order, the following definitions shall apply:

(a) "Minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

(b) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SEC. 7. Construction. Nothing in this order shall be construed as subjecting any function vested in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or office exclusively, or as abrogating or restricting any such function in any manner.

SEC. 8. Prior Executive Order. Executive Order No. 11458 of March 5, 1969, is hereby superseded.

Executive Order 12138—Creating a National Women's Business Enterprise Policy and prescribing arrangements for developing, coordinating and implementing a national program for women's business enterprise

SOURCE: The provisions of Executive Order 12138 of May 18, 1979, appear at 44 FR 29637, 3 CFR, 1979 Comp., p. 393, unless otherwise noted.

In response to the findings of the Interagency Task Force on Women Business Owners and congressional findings that recognize:

1. the significant role which small business and women entrepreneurs can play in promoting full employment and balanced growth in our economy;
2. the many obstacles facing women entrepreneurs; and
3. the need to aid and stimulate women's business enterprise;

By the authority vested in me as President of the United States of America, in order to create a National Women's Business Enterprise Policy and to prescribe arrangements for developing, coordinating and implementing a national program for women's business enterprise, it is ordered as follows:

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1-1. *Responsibilities of the Federal Departments and Agencies.*

1-101. Within the constraints of statutory authority and as otherwise permitted by law:

(a) Each department and agency of the Executive Branch shall take appropriate action to facilitate, preserve and strengthen women's business enterprise and to ensure full participation by women in the free enterprise system.

(b) Each department and agency shall take affirmative action in support of women's business enterprise in appropriate programs and activities including but not limited to:

(1) management, technical, financial, and procurement assistance.

(2) business-related education, training, counseling and information dissemination, and

(3) procurement.

(c) Each department or agency empowered to extend Federal financial assistance to any program or activity shall issue regulations requiring the recipient of such assistance to take appropriate affirmative action in support of women's business enterprise and to prohibit actions or policies which discriminate against women's business enterprise on the ground of sex. For purposes of this subsection, Federal financial assistance means assistance extended by way of grant, cooperative agreement, loan or contract other than a contract of insurance of guaranty. These regulations shall prescribe sanctions for noncompliance. Unless otherwise specified by law, no agency sanctions shall be applied until the agency or department concerned has advised the appropriate person or persons of the failure to comply with its regulations and has determined that compliance cannot be secured by voluntary means.

1-102. For purposes of this Order, affirmative action may include, but is not limited to, creating or supporting new programs responsive to the special needs of women's business enterprise, establishing incentives to promote business or business-related opportunities for women's business enterprise, collecting and disseminating information in support of women's business enterprise, and insuring to women's business enterprise knowledge of and ready access to business-related services and resources. If, in implementing this order, an agency undertakes to use or to require compliance with numerical set-asides, or similar measures, it shall state the purpose of such measure, and the measure shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure.

1-103. In carrying out their responsibilities under Section 1-1, the departments and agencies shall consult the Department of Justice, and the Department of Justice shall provide legal guidance concerning these responsibilities.

1-2. *Establishment of the Interagency Committee on Women's Business Enterprise.*

1-201. To help insure that the actions ordered above are carried out in an effective manner, I hereby establish the Interagency Committee on Women's Business Enterprise (hereinafter called the Committee).

1-202. The Chairperson of the Committee (hereinafter called the Chairperson) shall be appointed by the President. The Chairperson shall be the presiding officer of the Committee and shall have such duties as prescribed in this Order or by the Committee in its rules of procedure.

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The Chairperson may also represent his or her department, agency or office on the Committee.

1-203. The Committee shall be composed of the Chairperson and other members appointed by the heads of departments and agencies from among high level policy-making officials. In making these appointments, the recommendations of the Chairperson shall be taken into consideration. The following departments and agencies and such other departments and agencies as the Chairperson shall select shall be members of the Committee: the Departments of Agriculture; Commerce; Defense; Energy; Health and Human Services; Housing and Urban Development; Interior; Justice; Labor; Transportation; Treasury; the Federal Trade Commission; General Services Administration; National Science Foundation; Office of Federal Procurement Policy; and the Small Business Administration. These members shall have a vote. Nonvoting members shall include the Executive Director of the Committee and at least one but no more than three representatives from the Executive Office of the President appointed by the President.

[Sec. 1-203 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-204. The Committee shall meet at least quarterly at the call of the Chairperson, and at such other times as may be determined to be useful according to the rules of procedure adopted by the Committee.

1-205. The Administrator of the Small Business Administration shall provide an Executive Director and adequate staff and administrative support for the Committee. The staff shall be located in the Office of the Chief Counsel for Advocacy of the Small Business Administration, or in such other office as may be established specifically to further the policies expressed herein. Nothing in this Section prohibits the use of other properly available funds and resources in support of the Committee.

1-3. *Functions of the Committee.* The Committee shall in a manner consistent with law:

1-301. Promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Executive Branch which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of the departments and agencies.

1-302. Establish such policies, definitions, procedures and guidelines to govern the implementation, interpretation and application of this order, and generally perform such functions and take such steps as the Committee may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

1-303. Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of women's business enterprise, and facilitate the coordination of the efforts of these groups with those of the departments and agencies.

1-304. Make an annual assessment of the progress made in the Federal Government toward assisting women's business enterprise to enter

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the mainstream of business ownership and to provide recommendations for future actions to the President.

1-305. Convene and consult as necessary with persons inside and outside government to develop and promote new ideas concerning the development of women's business enterprise.

1-306. Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs, and promote further research into such problems.

1-307. Design a comprehensive and innovative plan for a joint Federal and private sector effort to develop increased numbers of new women-owned businesses and larger and more successful women-owned businesses. The plan should set specific reasonable targets which can be achieved at reasonable and identifiable costs and should provide for the measurement of progress towards these targets at the end of two and five years. Related outcomes such as income and tax revenues generated, jobs created, new products and services introduced or new domestic or foreign markets created should also be projected and measured in relation to costs wherever possible. The Committee should submit the plan to the President for approval within six months of the effective date of this Order.

1-4. *Other Responsibilities of the Federal Departments and Agencies.*

1-401. The head of each department and agency shall designate a high level official to have the responsibility for the participation and cooperation of that department or agency in carrying out this Executive order. This person may be the same person who is the department or agency's representative to the Committee.

1-402. To the extent permitted by law, each department and agency upon request by the Chairperson shall furnish information, assistance and reports and otherwise cooperate with the Chairperson and the Committee in the performance of their functions hereunder. Each department or agency shall ensure that systematic data collection processes are capable of providing the Committee current data helpful in evaluating and promoting the efforts herein described.

1-403. The officials designated under Section 1-401, when so requested, shall review the policies and programs of the women's business enterprise program, and shall keep the Chairperson informed of proposed budget, plans and programs of their departments or agencies affecting women's business enterprise.

1-404. Each Federal department or agency, within constraints of law, shall continue current efforts to foster and promote women's business enterprise and to support the program herein set forth, and shall cooperate with the Chairperson and the Committee in increasing the total Federal effort.

1-5. *Reports.*

1-501. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report of the activities of the Committee hereunder during the previous fiscal year. Further, the Chairperson shall, from time to time, submit to the President the Committee's recommendations for legislation or other action to promote the purposes of this Order.

1-502. Each Federal department and agency shall report to the Chairperson as hereinabove provided on a timely basis so that the

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Chairperson and the Committee can consider such reports for the Committee report to the President.

1-6. *Definitions.* For the purposes of this Order, the following definitions shall apply:

1-601. "Women-owned business" means a business that is at least 51 percent owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

1-602. "Women's business enterprise" means a woman-owned business or businesses or the efforts of a woman or women to establish, maintain or develop such a business or businesses.

1-603. Nothing in subsections 1-601 or 1-602 of this Section (1-6) should be construed to prohibit the use of other definitions of a woman-owned business or women's business enterprise by departments and agencies of the Executive Branch where other definitions are deemed reasonable and useful for any purpose not inconsistent with the purpose of this Order. Wherever feasible, departments and agencies should use the definition of a woman-owned business in subsection 1-601 above for monitoring performance with respect to women's business enterprise in order to assure comparability of data throughout the Federal Government.

1-7. *Construction.* Nothing in this Order shall be construed as limiting the meaning or effect of any existing Executive order.

Executive Order 12190—Advisory Committee on Small and Minority Business Ownership

SOURCE: The provisions of Executive Order 12190 of Feb. 1, 1980, appear at 45 FR 773, 3 CFR, 1980 Comp., p. 136, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America and in order to implement Section 7(j)(3)(A) of the Small Business Act (92 Stat. 1765, 15 U.S.C. 636(j)(3)(A)), which directs the creation of an advisory committee for certain purposes, it is hereby ordered as follows:

1-1. *Establishment of Committee.*

1-101. There is established an Advisory Committee on Small and Minority Business Ownership composed of five high-level officers from five United States businesses and five representatives of minority small businesses.

1-102. The President shall appoint the members of the Committee and designate a Chairman from among its members.

1-103. In selecting the members, the President shall give due consideration to the particular skills desirable to accomplish the purpose and functions of the Committee.

1-2. *Functions of the Committee.*

1-201. (a) The Committee shall assist in monitoring and encouraging the placement of subcontracts by the private sector with eligible small businesses, particularly with small minority businesses, and shall study and propose the incentives and assistance needed by the private sector to help in the training, development, and upgrading of such businesses.

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(b) Eligible small businesses are those located in areas of high concentration of unemployed or low-income individuals, businesses owned by low-income individuals, and those businesses eligible for assistance under Section 8(a) of the Small Business Act (15 U.S.C. 637(a), 92 Stat. 1761).

1-202. The Committee shall make periodic reports and recommendations to the President through the Administrator of the Small Business Administration and shall offer such other advice and at such times as the President through the Administrator may request.

1-203. The Committee, through its Chairman, shall report annually to the President and to the Congress on the activities of the Committee during the preceding calendar year.

1-3. Administrative Provisions.

1-301. The Committee may request any Executive agency to furnish such information as may be useful in fulfilling the Committee's functions. Each such agency is authorized, to the extent permitted by law, to furnish such information to the Committee.

1-302. Each member of the Committee who is not otherwise employed by the Federal Government shall receive no compensation from the United States by virtue of their service on the Committee, but all members may receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5702 and 5703.

1-303. All necessary administrative staff services, support, facilities, and expenses of the Committee shall, to the extent permitted by law, be furnished by the Small Business Administration.

1-4. General Provisions.

1-401. The functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Administrator of the Small Business Administration in accordance with guidelines and procedures established by the Administrator of General Services.

1-402. The Committee shall terminate on December 31, 1980.

EDITORIAL NOTE: The Advisory Committee on Small and Minority Business Ownership was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Administrator of the Small Business Administration in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12432—Minority business enterprise development

SOURCE: The provisions of Executive Order 12432 of July 14, 1983, appear at 48 FR 32551, 3 CFR, 1983 Comp., p. 198, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), in order to provide guidance and oversight for programs for the development of minority business enterprise pursuant to my statement of December 17, 1982 concerning Minority Business De-

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velopment; and to implement the commitment of the Federal government to the goal of encouraging greater economic opportunity for minority entrepreneurs, it is hereby ordered as follows:

SECTION 1. *Minority Business Development Plans.* (a) Minority business enterprise development plans shall be developed by each Federal agency having substantial procurement or grantmaking authority. Such agencies shall submit these plans to the Cabinet Council on Commerce and Trade on an annual basis.

(b) These annual plans shall establish minority enterprise development objectives for the participating agencies and methods for encouraging both prime contractors and grantees to utilize minority business enterprises. The plans shall, to the extent possible, build upon the programs administered by the Minority Business Development Agency and the Small Business Administration, including the goals established pursuant to Public Law 95-507.

(c) The Secretary of Commerce and the Administrator of the Small Business Administration, in consultation with the Cabinet Council on Commerce and Trade, shall establish uniform guidelines for all Federal agencies to be utilized in establishing the minority business programs set forth in Section 2 of this Order.

(d) The participating agencies shall furnish an annual report regarding the implementation of their programs in such form as the Cabinet Council on Commerce and Trade may request, and at such time as the Secretary of Commerce shall designate.

(e) The Secretary of Commerce shall provide an annual report to the President, through the Cabinet Council on Commerce and Trade, on activities under this Order and agency implementation of minority business development programs.

SEC. 2. *Minority Business Development Responsibilities of Federal Agencies.* (a) To the extent permitted by law and consistent with its primary mission, each Federal agency which is required to develop a minority business development plan under Section 1 of this Order shall, to accomplish the objectives set forth in its plan, establish programs concerning provision of direct assistance, procurement assistance, and management and technical assistance to minority business enterprises.

(b) Each Federal agency shall, to the extent permitted by law and consistent with its primary mission, establish minority business development programs, consistent with Section 211 of Public Law 95-507, to develop and implement incentive techniques to encourage greater minority business subcontracting by Federal prime contractors.

(c) Each Federal agency shall encourage recipients of Federal grants and cooperative agreements to achieve a reasonable minority business participation in contracts let as a result of its grants and agreements. In cases where State and local governments are the recipients, such encouragement shall be consistent with principles of federalism.

(d) Each Federal agency shall provide the Cabinet Council on Commerce and Trade such information as it shall request from time to time concerning the agency's progress in implementing these programs.

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Executive Order 12523—National White House Conference on Small Business

SOURCE: The provisions of Executive Order 12523 of June 27, 1985, appear at 50 FR 26963, 3 CFR, 1985 Comp., p. 375, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the White House Conference on Small Business Authorization Act (Public Law 98-276), it is hereby ordered as follows:

Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act applicable to the White House Conference on Small Business Authorization Act, except that of reporting annually to the Congress, shall be performed by the Administrator of the Small Business Administration in accordance with the guidelines and procedures established by the Administrator of General Services.

CHAPTER 14—AERONAUTICS AND SPACE

Executive Orders

- 10783 Transferring certain functions of the Department of Defense to the National Aeronautics and Space Administration
- 10786 Transferring functions of the Airways Modernization Board to the Administrator of the Federal Aviation Administration
- 10793 Transferring certain functions of the Department of Defense to the National Aeronautics and Space Administration
- 10840 Designating the Federal Aviation Administration as an agency to have certain contractual authority under the Assignment of Claims Act of 1940, as amended
- 10849 Establishing a seal for the National Aeronautics and Space Administration
- 10854 Extension of the application of the Federal Aviation Act of 1958
- 10870 Designating the facilities of the National Aeronautics and Space Administration at Huntsville, Alabama, as the George C. Marshall Space Flight Center
- 11047 Delegating certain authority to the Secretary of Defense and the Administrator of the Federal Aviation Agency
- 11129 Designating certain facilities of the National Aeronautics and Space Administration and the Department of Defense, in the State of Florida, as the John F. Kennedy Space Center
- 11161 Relating to certain relationships between the Department of Defense and the Federal Aviation Administration
- 12079 Authorizing certain functions of heads of departments and agencies under the Airport and Airway Development Act of 1970 to be performed without the approval of the President
- 12597 Establishing procedures for facilitating Presidential review of international aviation decisions submitted by the Department of Transportation
- 12641 Designating certain facilities of the National Aeronautics and Space Administration in the State of Mississippi as the John C. Stennis Space Center

Executive Order 10783—Transferring certain functions from the Department of Defense to the National Aeronautics and Space Administration

SOURCE: The provisions of Executive Order 10783 of Oct. 1, 1958, appear at 23 FR 7643, 3 CFR, 1954-1958 Comp., p. 422, unless otherwise noted.

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By virtue of the authority vested in me by the National Aeronautics and Space Act of 1958 (Public Law 85-568; 72 Stat. 426), and as President of the United States, it is ordered as follows:

SECTION 1. All functions (including powers, duties, activities, and parts of functions) of the Department of Defense, or of any officer or organizational entity of the Department of Defense, with respect to the following are hereby transferred to the National Aeronautics and Space Administration:

(a) The United States scientific satellite project (Project VAN GUARD).

(b) Specific projects of the Advanced Research Projects Agency and of the Department of the Air Force which relate to space activities (including lunar probes, scientific satellites, and super-thrust boosters) within the scope of the functions devolving upon the National Aeronautics and Space Administration under the provisions of the National Aeronautics and Space Act of 1958, and which shall be more particularly described in one or more supplementary Executive orders hereafter issued.

SEC. 2. (a) The Secretary of the Treasury shall immediately transfer to the appropriation of the National Aeronautics and Space Administration for "Research and Development", from such appropriations of the Department of Defense as the Secretary of Defense shall designate, the following amounts:

(1) In connection with the transfer of functions provided for in section 1 (a) hereof, such amounts as shall be determined by the Director of the Office of Management and Budget pursuant to section 202 (b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c (b)) and section 1 (k) of Executive Order No. 10530 of May 11, 1954.

(2) In connection with the transfer of functions of the Advanced Research Projects Agency provided for in section 1 (b) hereof, \$59,200,000.

(3) In connection with the transfer of functions of the Department of the Air Force provided for in section 1 (b) hereof, \$57,800,000.

(b) In connection with the transfer of functions provided for in section 1, appropriate transfers of records, property, facilities, and civilian personnel shall be carried out as may be agreed upon from time to time by the National Aeronautics and Space Administration and the Department of Defense.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10786—Transferring functions of the Airways Modernization Board to the Administrator of the Federal Aviation Administration

SOURCE: The provisions of Executive Order 10786 of Nov. 1, 1958, appear at 23 FR 8573, 3 CFR, 1954-1958 Comp., p. 424, unless otherwise noted.

By virtue of the authority vested in me by section 304 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 749) and by section 202 (b) of the Budget and Accounting Procedures Act of 1950 (64 Stat. 838; 31 U.S.C. 581c (b)), and as President of the United States, it is ordered as follows:

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SECTION 1. All functions (including powers, duties, activities, and parts of functions) of the Airways Modernization Board, including those of the Chairman thereof, are hereby transferred to the Administrator of the Federal Aviation Administration; and all records, property, facilities, employees, and unexpended balances of appropriations, allocations, and other funds of the Airways Modernization Board, are hereby transferred to the Federal Aviation Administration.

[Title and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. Such further measures and dispositions, if any, as the Director of the Office of Management and Budget shall determine to be necessary in connection with the transfers provided for hereinabove in respect of records, property, facilities, employees, and balances shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. The provisions of this order shall become effective concurrently with the entering upon office as Administrator of the Federal Aviation Administration of the first person appointed as Administrator. The functions transferred by section 1 hereof may be performed by the Administrator until the effective date of the repeal of the Airways Modernization Act of 1957 effected by section 1401 (d) of the Federal Aviation Act of 1958.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10793—Transferring certain functions from the Department of Defense to the National Aeronautics and Space Administration

SOURCE: The provisions of Executive Order 10793 of Dec. 3, 1958, appear at 23 FR 9405, 3 CFR, 1954-1958 Comp., p. 429, unless otherwise noted.

By virtue of the authority vested in me by the National Aeronautics and Space Act of 1958 (Public Law 85-568; 72 Stat. 426) and section 202 (b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c (b)), and as President of the United States, it is ordered as follows:

SECTION 1. Those functions (including powers, duties, activities, and parts of functions) of the Department of the Army or of any officer or organizational entity thereof which are now being performed at the Jet Propulsion Laboratory of the California Institute of Technology, near Pasadena, California (hereinafter referred to as the Laboratory), except so much thereof as relates primarily to military operations and weapon system development programs, are hereby transferred to the National Aeronautics and Space Administration.

SEC. 2. In connection with the transfer of functions provided for in section 1 of this order, there is hereby transferred to the National Aeronautics and Space Administration custody, possession, and control of the Government-owned property occupied or utilized by the Laboratory except those items of equipment therein which relate primarily to military operations and weapon system development programs of the Department of the Army.

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SEC. 3. The Department of Defense and the National Aeronautics and Space Administration shall effect necessary administrative arrangements, including appropriate transfer of records, in connection with the transfers of functions and property provided for in sections 1 and 2 hereof. In order to provide for the most effective utilization of scientific and engineering resources, the National Aeronautics and Space Administration shall to the extent permitted by its own programs and facilities provide research and development support at the Laboratory in respect of military matters to the Department of Defense.

SEC. 4. The Secretary of the Treasury shall immediately transfer from such appropriations of the Department of Defense pertinent to the functions transferred by section 1 of this order as the Secretary of Defense shall designate, to such appropriations of the National Aeronautics and Space Administration as the Administrator of the National Aeronautics and Space Administration shall specify, the amount of \$4,078,250.

Executive Order 10840—Designating the Federal Aviation Administration as an agency to have certain contractual authority under the Assignment of Claims Act of 1940, as amended

SOURCE: The provisions of Executive Order 10840 of Sept. 30, 1959, appear at 14 FR 7939, 3 CFR, 1959-1963 Comp., p. 374, unless otherwise noted.

Whereas the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended by the Act of September 13, 1982, 96 Stat. 976 (31 U.S.C. 3727), contains the following provisions:

During a war or national emergency proclaimed by the President or declared by law and ended by proclamation or law, a contract with the Department of Defense, the General Services Administration, the Department of Energy (when carrying out duties and powers formerly carried out by the Atomic Energy Commission), or other agency the President designates may provide, or may be changed without consideration to provide, that a future payment under the contract to an assignee is not subject to reduction or setoff. A payment subsequently due under the contract (even after the war or emergency is ended) shall be paid to the assignee without a reduction or setoff for liability of the assignor—

(1) to the Government independent of the contract; or

(2) because of renegotiation, fine, penalty (except an amount that may be collected or withheld under, or because the assignor does not comply with, the contract), taxes, social security contributions, or withholding or failing to withhold taxes or social security contributions, arising from, or independent of, the contract.

An assignee under this section does not have to make restitution of, refund, or repay the amount received because of the liability of the assignor to the Government that arises from or is independent of, the contract.

The Government may not collect or reclaim money paid to a person receiving an amount under an assignment or allotment of pay or allowances authorized by law when liability may exist because of the death of the person making the assignment or allotment.

AND WHEREAS it appears that it would be in the public interest to make those provisions applicable to the Federal Aviation Administration:

NOW, THEREFORE, by virtue of the authority vested in me by the above-quoted statutory provisions, I hereby designate the Federal Aviation Administration as an agency of the United States to which such statutory provisions shall apply in the same manner and to the same

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extent that they apply to the Department of Defense, the General Services Administration, and the Atomic Energy Commission.¹

EDITORIAL NOTE: Executive Order 10840 is amended by Executive Order 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691, and Executive Order 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245. Additionally, section 5(b) of Executive Order 10840 states that the utilization by the Federal Aviation Administration of the authority made available to it by Executive Order 10840, as amended, shall be subject to direction and control by the Secretary of Transportation.

Executive Order 10849—Establishing a seal for the National Aeronautics and Space Administration

SOURCE: The provisions of Executive Order 10849 of Nov. 27, 1959, appear at 24 FR 9559, 3 CFR, 1959-1963 Comp., p. 379, unless otherwise noted.

WHEREAS the Administrator of the National Aeronautics and Space Administration has caused to be made, and has recommended that I approve, a seal for the National Aeronautics and Space Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a disc of the blue sky strewn with white stars, to center a large yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a horizontal white orbit, in sinister a small light-blue sphere; circumscribing the disc a white band edged gold inscribed "National Aeronautics and Space Administration U.S.A." in red letters.

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Aeronautics and Space Administration.

[EO 10849 amended by EO 10942 of May 19, 1961, 26 FR 4419, 3 CFR, 1959-1963 Comp., p. 472]

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10849, is printed in 3 CFR, 1959-1963 Comp., p. 378.

Executive Order 10854—Extension of the application of the Federal Aviation Act of 1958

SOURCE: The provisions of Executive Order 10854 of Nov. 27, 1959, appear at 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389, unless otherwise indicated.

By virtue of the authority vested in me by section 1110 of the Federal Aviation Act of 1958 (72 Stat. 800; 49 U.S.C. 1510), and as President of the United States, and having determined that such action would be in the national interest, I hereby order as follows:

¹EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective Oct. 1, 1977.

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The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1301 *et seq.*), to the extent necessary to permit the Secretary of Transportation to accomplish the purposes and objectives of Titles III and XII thereof (49 U.S.C. 1341-1355 and 1521-1523), is hereby extended to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: *Provided*, that the Secretary, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

[EO 10854 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

EDITORIAL NOTE: The Ryukyu Islands were removed from the applicability of Executive Order 10854 by Executive Order 11326 of Feb. 13, 1967, 31 FR 2841, 3 CFR, 1966-1970 Comp., 617.

Executive Order 10870—Designating the facilities of the National Aeronautics and Space Administration at Huntsville, Alabama, as the George C. Marshall Space Flight Center

SOURCE: The provisions of Executive Order 10870 of Mar. 5, 1960, appear at 25 FR 2197, 3 CFR, 1959-1963 Comp., p. 403, unless otherwise noted.

WHEREAS the National Aeronautics and Space Administration has recently acquired facilities at Huntsville, Alabama, for space flight research and development; and

WHEREAS these facilities are destined to play a major role in man's conquest of outer space and its utilization for peaceful purposes for the benefit of all mankind; and

WHEREAS it is fitting that these facilities bear the name of a distinguished and revered American; and

WHEREAS the late General of the Army George C. Marshall devoted his life to the service of his country and to the advancement of the cause of peace throughout the world:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby designate the facilities of the National Aeronautics and Space Administration at Huntsville, Alabama, as the George C. Marshall Space Flight Center; and such facilities shall hereafter be known and referred to by that name.

Executive Order 11047—Delegating certain authority to the Secretary of Defense and the Administrator of the Federal Aviation Administration

SOURCE: The provisions of Executive Order 11047 of Aug. 28, 1962, appear at 27 FR 8665, 3 CFR, 1959-1963 Comp., p. 631, unless otherwise noted.

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By virtue of the authority vested in me by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense and the Administrator of the Federal Aviation Administration are hereby designated and empowered to exercise jointly, without the approval, ratification, or other action of the President, the authority vested in the President by the first sentence of Section 304 of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1345 (first sentence)) to transfer functions (including, as used in this order, powers, duties, activities, facilities, and parts of functions) as described in that sentence to the extent that the said authority is in respect of transfers from the Department of Defense or any officer or organizational entity thereof to the Administrator of the Federal Aviation Administration of functions relating to flight inspection of air navigation facilities.

[Title and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Administrator and the Secretary shall exercise the authority hereinabove delegated to them only as they shall deem such exercise to be necessary or desirable in the interest of promoting, in respect of either civil or military aviation or both, safe and efficient air navigation and air traffic control.

SEC. 3. (a) To the extent necessitated by transfers of functions effected under the provisions of Section 1 of this order:

(1) Transfers of balances of appropriations available and necessary to finance and discharge the transferred functions shall be made under the authority of Section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b)) as affected by the provisions of Section 1(k) of Executive Order No. 10530 of May 10, 1954.

(2) Provisions for appropriate transfers of records and property shall be made under the authority of the last sentence of Section 304 of the Federal Aviation Act of 1958 as affected by the provisions of Section 1 of Executive Order No. 10797 of December 24, 1958.

(b) Neither this order nor the said Executive Order No. 10797 shall be deemed to require or authorize the transfer of any civilian or military personnel from the Department of Defense to the Federal Aviation Administration, under authority the said Section 304, in connection with transfers of functions effected under the provisions of Section 1 of this order.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 4. (a) In order to facilitate the orderly and timely accomplishment of the transfers and other arrangements mentioned in Section 3(a) of this order, the Secretary of Defense and the Administrator of the Federal Aviation Administration shall transmit to the Director of the Office of Management and Budget, not less than 30 days prior to the execution by them of any order or other transfer instrument in pursuance of the provisions of Section 1 of this order, all appropriate information in respect of any transfers or other arrangements proposed to be made in connection therewith under the provisions of Section 3 hereof, together with copy of the order or other transfer instrument proposed to be executed by them.

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(b) In connection with any particular action or actions under Section 1 of this order, the Director of the Office of Management and Budget may either waive the requirements of Section 4(a), above, or reduce the 30 day period there prescribed.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11129—Designating certain facilities of the National Aeronautics and Space Administration and of the Department of Defense, in the State of Florida, as the John F. Kennedy Space Center

SOURCE: The provisions of Executive Order 11129 of Nov. 29, 1963, appear at 28 FR 12737, 3 CFR, 1959-1963 Comp., p. 794, unless otherwise noted.

WHEREAS President John F. Kennedy lighted the imagination of our people when he set the moon as our target and man as the means to reach it; and

WHEREAS the installations now to be renamed are a center and symbol of our country's peaceful assault on space; and

WHEREAS it is in the nature of this assault that it should test the limits of our youth and grace, our strength and wit, our vigor and perseverance—qualities fitting to the memory of John F. Kennedy;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby designate the facilities of the Launch Operations Center of the National Aeronautics and Space Administration and the facilities of Station No. 1 of the Atlantic Missile Range, in the State of Florida, as the John F. Kennedy Space Center; and such facilities shall be hereafter known and referred to by that name.

Executive Order 11161—Relating to certain relationships between the Department of Defense and the Federal Aviation Administration

SOURCE: The provisions of Executive Order 11161 of July 7, 1964, appear at 29 FR 9317, 3 CFR, 1964-1965 Comp., p. 214, unless otherwise noted.

WHEREAS Section 302(e) of the Federal Aviation Act of 1958 provides, in part, that in the event of war the President by Executive order may transfer to the Department of Defense any functions (including powers, duties, activities, facilities, and parts of functions) of the Federal Aviation Administration; and

WHEREAS it appears that the defense of the United States would require the transfer of the Federal Aviation Administration to the Department of Defense in the event of war; and

WHEREAS if any such transfer were to be made it would be essential to the defense of the United States that the transition be accomplished promptly and with maximum ease and effectiveness; and

WHEREAS these objectives require that the relationships that would obtain in the event of such a transfer as between the Federal Aviation Administration and the Department of Defense be understood in advance by the two agencies concerned and be developed in necessary detail by them in advance of transfer;

NOW, THEREFORE, by virtue of the authority vested in me by Section 302(e) (72 Stat. 746; 49 U.S.C. 1343(c)), and as President of the

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United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense and the Secretary of Transportation are hereby directed to prepare and develop plans, procedures, policies, programs, and courses of action in anticipation of the probable transfer of the Federal Aviation Administration to the Department of Defense in the event of war. Those plans, policies, procedures, programs, and courses of action shall be prepared and developed in conformity with the following-described standards and conditions—

(A) The Federal Aviation Administration will function as an adjunct of the Department of Defense with the Federal Aviation Administrator being responsible directly to the Secretary of Defense and subject to his authority, direction, and control to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

(B) To the extent deemed by the Secretary of Defense to be necessary for the accomplishment of the military mission, he will be empowered to direct the Administrator to place operational elements of the Federal Aviation Administration under the direct operational control of appropriate military commanders.

(C) While functioning as an adjunct of the Department of Defense, the Federal Aviation Administration will remain organizationally intact and the Administrator thereof will retain responsibility for administration of his statutory functions, subject to the authority, direction, and control of the Secretary of Defense to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

SEC. 2. In furtherance of the objectives of the foregoing provisions of this order, the Secretary of Defense and the Secretary of Transportation shall, to the extent permitted by law, make such arrangements and take such actions as they deem necessary to assure—

(A) That the functions of the Federal Aviation Administration are performed during any period of national emergency short of war in a manner that will assure that essential national defense requirements will be satisfied during any such period of national emergency.

(B) Consistent with the provisions of paragraphs (A), (B), and (C) of Section 1 of this order, that any transfer of the Federal Aviation Administration to the Department of Defense, in the event of war, will be accomplished smoothly and rapidly and effective operation of the agencies and functions affected by the transfer will be achieved after the transfer.

[EO 11161 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

Executive Order 12079—Authorizing certain functions of heads of departments and agencies under the Airport and Airway Development Act of 1970 to be performed without the approval of the President

SOURCE: The provisions of Executive Order 12079 of Sept. 18, 1978, appear at 43 FR 42233, 3 CFR, 1978 Comp., p. 224, unless otherwise noted.

By the authority vested in me by section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

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SECTION 1. The authority vested in the heads of departments and agencies by Section 23(b) of the Airport and Airway Development Act of 1970 (84 Stat. 232; 49 U.S.C. 1723(b)), with the approval of the President and the Attorney General of the United States, to perform any acts and to execute any instruments necessary to make any conveyance requested by the Secretary of Transportation under Section 23(a) of that Act may be exercised by such heads of departments and agencies without the approval of the President.

SEC. 2. Executive Order No. 10536 of June 9, 1954, as amended, is revoked.

Executive Order 12597—Establishing procedures for facilitating Presidential review of international aviation decisions by the Department of Transportation

SOURCE: The provisions of Executive Order 12597 of May 13, 1987, appear at 52 FR 18335, 3 CFR, 1987 Comp., p. 230, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 801 of the Federal Aviation Act, as amended (49 U.S.C. app. § 1461), and in order to provide presidential guidance to department and agency heads and facilitate presidential review of decisions by the Department of Transportation pursuant to the Federal Aviation Act, it is hereby ordered as follows:

SECTION 1. Executive Order No. 12547 of February 6, 1986, is revoked.

SEC. 2. The Secretary of Transportation is designated and empowered to receive on behalf of the President any decision of the Department of Transportation (hereinafter referred to as the "DOT") subject to Section 801 of the Federal Aviation Act, as amended. The Secretary of Transportation is further designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under Section 801 of the Federal Aviation Act, as amended, to review and determine not to disapprove any such decision that is not the subject of any written recommendation for disapproval or for a statement of reasons submitted to the Department of Transportation in accordance with section 5(b) of this Order.

SEC. 3. (a) Except as otherwise provided in this section, decisions of the DOT subject to Section 801 of the Federal Aviation Act, as amended, may be made available by the DOT for public inspection and copying following transmission to Executive departments and agencies pursuant to section 3(c) of this Order.

(b) In the interests of national security, and in order to allow for consideration of appropriate action under Executive Order No. 12356, decisions of the DOT transmitted to Executive departments and agencies pursuant to section 3(c) of this Order shall be withheld from public disclosure for a period not to exceed 5 days after said transmission.

(c) At the same time that decisions of the DOT are received by the Secretary of Transportation pursuant to section 2 of this Order, the DOT shall transmit copies thereof to the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Assistant to the President for National Security Affairs, the Direc-

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tor of the Office of Management and Budget, and any other Executive department or agency that the DOT deems appropriate.

(d) The Secretary of State and the Secretary of Defense, or their designees, shall review the decisions of the DOT transmitted pursuant to section 3(c) of this Order and shall promptly advise the Assistant to the President for National Security Affairs or his designee whether action pursuant to Executive Order No. 12356 is deemed appropriate. If, after considering these recommendations, the Assistant to the President for National Security Affairs determines that classification under Executive Order No. 12356 is appropriate, he shall take such action and immediately so inform the DOT. Action pursuant to this subsection shall be completed by the persons designated herein within 5 days of the transmission of the decision.

(e) On and after the 6th day following transmission of a DOT decision pursuant to section 3(c) of this Order, or upon earlier notification by the Assistant to the President for National Security Affairs or his designee, the DOT is authorized to disclose all unclassified portions of the text of such decision. Nothing in this section is intended to affect the ability to withhold material under any Executive order or statute other than Section 801.

SEC. 4. (a) Departments and agencies outside of the Executive Office of the President shall raise only matters of national defense or foreign relations in the course of the presidential review established by this Order. All other matters, including those related to regulatory policy, shall be presented to the DOT in accordance with the procedures of the DOT.

(b) Departments and agencies outside of the Executive Office of the President that identify matters of national defense or foreign relations while a decision is pending before the DOT shall, except as confidentiality is required for reasons of defense or foreign policy, make those matters known to the DOT in the course of its proceedings.

SEC. 5. (a) The DOT shall receive the recommendations, addressed to the President, of the departments and agencies referred to in section 3(c) of this Order.

(b) Departments or agencies outside of the Executive Office of the President making recommendations on matters of national defense or foreign relations with respect to any decision received by the Secretary of Transportation under section 2 of this Order shall submit their recommendations in writing to the DOT: (1) within 4 days of the DOT's issuance of a decision subject to a 10-day statutory review period under Section 801(b); and (2) within 21 days of the DOT's issuance of a decision subject to a 60-day statutory review period under Section 801(a); or (3) in exceptional cases, within the period specified by the DOT in its letter of transmittal.

(c) The DOT shall, as soon as practical after the deadlines specified in section 5(b) of this Order: (1) if no recommendations for disapproval or for a statement of reasons are received from the departments and agencies specified in section 3(c) of this Order, issue its decision to become effective according to its terms; or (2) if recommendations for disapproval or for a statement of reasons are received, transmit them to the Assistant to the President for National Security Affairs, who, upon review, shall transmit a memorandum to the President with a recom-

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mentation as to whether or not the President should disapprove the proposed decision.

SEC. 6. (a) In advising the President with respect to his review of a decision pursuant to Section 801, departments and agencies outside of the Executive Office of the President shall identify with particularity the defense or foreign policy implications of the DOT decision that are deemed appropriate for consideration.

(b) If any department or agency that made recommendations to the President pursuant to Section 801 believes that, if the President decides not to disapprove a decision, the letter so advising the DOT should include a statement that the decision not to disapprove was based on national defense or foreign relations reasons, it should so indicate separately and explain why.

SEC. 7. Individuals within the Executive Office of the President shall follow a policy of: (a) refusing to discuss matters relating to the disposition of a case subject to the review of the President under Section 801 with any interested private party, or an attorney or agent for any such party, prior to the decision by the President or his designee; and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President. Exceptions to this policy may be made only when the head of an appropriate department or agency outside of the Executive Office of the President personally finds, on a nondelegable basis, that direct written or oral communication between a private party and a person within the Executive Office of the President is needed for reasons of defense or foreign policy.

SEC. 8. Departments and agencies outside of the Executive Office of the President that regularly make recommendations in connection with the presidential review pursuant to Section 801 shall, consistent with applicable law, including the provisions of Chapter 5 of Title 5 of the United States Code:

(a) establish public dockets for all written communications (other than those requiring confidential treatment for defense or foreign policy reasons) between their officers and employees and private parties in connection with the preparation of such recommendations; and

(b) prescribe such other procedures governing oral and written communications as they deem appropriate.

SEC. 9. This order is intended solely for the internal guidance of the departments and agencies in order to facilitate the presidential review process. This Order does not confer rights on any private parties.

SEC. 10. None of the time deadlines specified in this Order shall be construed as a limitation on expedited presidential review of any decision under Section 801.

SEC. 11. The provisions of this Order shall become effective upon publication in the FEDERAL REGISTER and shall govern the review of any proposed decisions of the DOT that have not become final prior to that date under Executive Order No. 12547.

SEC. 12. References in any Executive order to any provision in Executive Order No. 12547 shall be deemed to refer to the corresponding provision in this Order.

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Executive Order 12641—Designating certain facilities of the National Aeronautics and Space Administration in the State of Mississippi as the John C. Stennis Space Center

SOURCE: The provisions of Executive Order 12641 of May 20, 1988, appear at 53 FR 18816, 3 CFR, 1988 Comp., p. 574, unless otherwise noted.

Senator John C. Stennis has served his country as a United States Senator over 40 years and has steadfastly supported the Nation's space program since its inception. He has demonstrated visionary leadership and has consistently worked to assure United States world leadership and preeminence in space.

The installation now to be renamed has played and will continue to play a major role in the United States space program and has been the recipient of the Senator's unwavering support from the moment the decision was made to establish that installation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby direct the Administrator of General Services to designate the facilities of the National Space Technology Laboratories of the National Aeronautics and Space Administration in the State of Mississippi as the John C. Stennis Space Center; and such facilities shall be thereafter known and referred to by that name.

CHAPTER 15—COMMERCE AND FOREIGN TRADE

Proclamations

- 3447 Embargo on all trade with Cuba
- 4349 Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania
- 4560 Agreement on Trade Relations between the United States and the Hungarian People's Republic
- 4697 Agreement on Trade Relations between the United States of America and the People's Republic of China
- 5030 Exclusive Economic Zone of the United States of America
- 5816 Withdrawal of nondiscriminatory treatment for products of Romania

Executive Orders

- 9590 Establishing certain awards for the Coast and Geodetic Survey
- 9919 Delegating authority and establishing procedures under the joint resolution approved December 30, 1947
- 10978 Establishing Presidential awards for significant contributions to the export expansion program
- 11023 Providing for the performance by the Secretary of Commerce of certain functions relating to the National Oceanic and Atmospheric Administration
- 11160 Prescribing regulations relating to medical care for retired ships' officers and members of crews of vessels of the Coast and Geodetic Survey and dependents of active and retired ships' officers and crew members
- 11430 Establishing the Export Expansion Advisory Committee
- 11564 Transfer of certain programs and activities to the Secretary of Commerce
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- 11846 Administration of the trade agreements program
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- 11879 Delegating to the Secretary of Commerce functions relating to orders for the provision of chemicals or substances necessary for treatment of water
- 11900 Designation of officers of the Department of Commerce to act as Secretary of Commerce
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12131	The President's Export Council
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12451	Continuation of export control regulations
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12504	Protection of semiconductor chip products
12513	Prohibiting trade and certain other transactions involving Nicaragua
12525	Termination of emergency authority for export controls
12532	Prohibiting trade and certain other transactions involving South Africa
12543	Prohibiting trade and certain transactions involving Libya
12613	Prohibiting imports from Iran
12635	Prohibiting certain transactions with respect to Panama
12661	Implementing the Omnibus Trade and Competitiveness Act of 1988 and related international trade matters
12662	Implementing the United States-Canada Free-Trade Implementation Act

Proclamation 3447—Embargo on all trade with Cuba

SOURCE: The provisions of Proclamation 3447 of Feb. 3, 1962, appear at 27 FR 1085, 3 CFR, 1959-1963 Comp., p. 157, unless otherwise noted.

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense,

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do

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1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify, or revoke exceptions from such prohibition.

Proclamation 4369—Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania

SOURCE: The provisions of Proclamation 4369 of Apr. 24, 1975, appear at 40 FR 18389, 34651, 3 CFR, 1971-1975 Comp., p. 471, unless otherwise noted.

CROSS REFERENCE: Effective July 3, 1988, Romania's eligibility for nondiscriminatory treatment expired under the provisions of Proclamation 5836 of June 28, 1988, this chapter, p. 249. Other provisions of the agreement were unaffected.

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania;

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978);

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed;¹

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061);

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Socialist Republic of Romania; and

¹ EDITORIAL NOTE: Filed with the Office of the Federal Register as part of the original.

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It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) that a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001), of the extension of nondiscriminatory treatment to the products of the country concerned;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974, do hereby proclaim as follows:

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act, of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the FEDERAL REGISTER promptly thereafter.¹

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord one thousand nine hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Proclamation 4560—Agreement on Trade Relations between the United States and the Hungarian People's Republic

SOURCE: The provisions of Proclamation 4560 of Apr. 7, 1978, appear at 43 FR 15125, 3 CFR, 1978 Comp., p. 16, unless otherwise noted.

As President of the United States of America, acting through my representatives, I entered into the negotiation of an agreement on trade relations between the United States of America and the Hungarian People's Republic with representatives of the Hungarian People's Republic.

The negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978) ("the Act");

¹ EDITORIAL NOTE: On Aug. 18, 1975, the Office of the Special Representative for Trade Negotiations published in the FEDERAL REGISTER (40 FR 34651) a notice announcing the deletion of "Rumania" from General Headnote 3(e) of the Tariff Schedules of the United States as of Aug. 3, 1975, the effective date of Proclamation 4369.

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An "Agreement on Trade Relations between the United States of America and the Hungarian People's Republic," in English and Hungarian, was signed on March 17, 1978, by representatives of the two Governments, and is annexed to this Proclamation;¹

The Agreement conforms to the requirements relating to bilateral commercial agreements specified in Section 405(b) of the Act;

Article XI of the Agreement provides that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Hungarian People's Republic; and

Section 405(c) of the Act provides that a bilateral commercial agreement and a proclamation implementing such agreement shall take effect only if approved by the Congress;

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, proclaim as follows:

(1) This Proclamation shall become effective, said Agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Hungarian People's Republic in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XI of the said Agreement; and²

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Hungary" as of the effective date of this proclamation and a notice thereof shall be published in the FEDERAL REGISTER promptly thereafter.

IN WITNESS WHEREOF, I have signed this Proclamation this seventh day of April, in the year of our Lord one thousand nine hundred seventy-eight, and of the Independence of the United States of America the two hundred second.

Proclamation 4697—Agreement on Trade Relations between the United States of America and the People's Republic of China

SOURCE: The provisions of Proclamation 4697 of Oct. 23, 1979, appear at 44 FR 61161, 3 CFR, 1979 Comp., p. 77, unless otherwise noted.

As President of the United States of America, acting through my representatives, I entered into the negotiation of an agreement on trade relations between the United States of America and the People's Republic of China with representatives of the People's Republic of China;

The negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978) ("the Act");

An "Agreement on Trade Relations between the United States of America and the People's Republic of China", in English and Chinese, was signed on July 7, 1979, by representatives of the two Governments, and is annexed to this Proclamation;³

¹ EDITORIAL NOTE: Filed with the Office of the Federal Register as part of the original document.

² EDITORIAL NOTE: The effective date of Proclamation 4560 is July 7, 1978.

³ EDITORIAL NOTE: Filed with the Office of the Federal Register as part of the original document.

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The Agreement conforms to the requirements relating to bilateral commercial agreements specified in section 405(b) of the Act;

Article X of the Agreement provides that it shall come into force on the date on which the Contracting Parties have exchanged notifications that each has completed the legal procedures necessary for this purpose; and

Section 405(c) of the Act provides that a bilateral commercial agreement and a proclamation implementing such agreement shall take effect only if approved by the Congress;

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, proclaim as follows:

(1) This Proclamation shall become effective, said Agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the People's Republic of China in accordance with the terms of the said Agreement, on the date on which the Contracting Parties have exchanged notifications that each has completed the legal procedures necessary for this purpose in accordance with Article X of the said Agreement.¹

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "China (any part of which may be under Communist domination or control)" and "Tibet" as of the effective date of this proclamation and a notice thereof shall be published in the FEDERAL REGISTER promptly thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

Proclamation 5030—Exclusive Economic Zone of the United States of America

SOURCE: The provisions of Proclamation 5030 of Mar. 10, 1983, appear at 48 FR 10603, 3 CFR, 1983 Comp., p. 22, unless otherwise noted.

WHEREAS the Government of the United States of America desires to facilitate the wise development and use of the oceans consistent with international law;

WHEREAS international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the Exclusive Economic Zone, a coastal State may assert certain sovereign rights over natural resources and related jurisdiction; and

WHEREAS the establishment of an Exclusive Economic Zone by the United States will advance the development of ocean resources and promote the protection of the marine environment, while not affecting other lawful uses of the zone, including the freedoms of navigation and overflight, by other States;

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and

¹ EDITORIAL NOTE: The effective date of Proclamation 4697 is Feb. 1, 1980.

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freedoms of all States within an Exclusive Economic Zone, as described herein.

The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the Exclusive Economic Zone shall be determined by the United States and other State concerned in accordance with equitable principles.

Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the Exclusive Economic Zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Proclamation 5836—Withdrawal of nondiscriminatory treatment for products of Romania

SOURCE: The provisions of Proclamation 5836 of June 28, 1988, appear at 53 FR 24921, 3 CFR, 1988 Comp., p. 94, unless otherwise noted.

1. Pursuant to section 402(c) of the Trade Act of 1974, as amended ("the Act") (19 U.S.C. 2432(c)), I previously waived the requirements of sections 402(a) and (b) of the Act (19 U.S.C. 2432 (a) and (b) with respect to the Socialist Republic of Romania ("Romania"). As a result, articles the product of Romania imported into the United States were

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eligible for nondiscriminatory treatment (most-favored-nation status). Romania also was eligible to participate in programs of the U.S. Government that extend credits, credit guarantees, or investment guarantees. Pursuant to section 404(a) of the Act (19 U.S.C. 2434(a)), I extended most-favored-nation status to Romania under the terms of a commercial agreement that entered into force on August 3, 1975, and was entered into under the authority of section 405 of the Act (19 U.S.C. 2435), with such status contingent upon the annual renewal of a waiver pursuant to section 402(c) of the Act (19 U.S.C. 2432(c)).

2. The Government of Romania has announced that it has decided to renounce the renewal of nondiscriminatory treatment accorded to the products of Romania by the United States subject to the terms of section 402 of the Act (19 U.S.C. 2432).

3. Accordingly, I have decided to allow the waiver for Romania under section 402 of the Act (19 U.S.C. 2432) to expire as scheduled at the close of July 2, 1988, without renewal at that time, and I have so reported to the Congress. Therefore, effective July 3, 1988, all articles the product of Romania that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States shall be subject to the customs duties set forth in the Rates of Duty column 2 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Furthermore, effective as of that date, Romania shall no longer be eligible to receive credits or guarantees under any program of the U.S. Government that extends credits, credit guarantees, or investment guarantees, including the Commodity Credit Corporation and the Export-Import Bank of the United States.

4. Section 404(c) of the Act (19 U.S.C. 2434(c)) authorizes the President to suspend or withdraw any extension of nondiscriminatory treatment to any country pursuant to section 404(a) of the Act (19 U.S.C. 2434(a)).

5. Section 604 of the Act (19 U.S.C. 2483) authorizes the President to embody in the TSUS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States of America, including but not limited to sections 402, 404, and 604 of the Act, do proclaim that:

(1) Effective with respect to all articles the product of Romania that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after July 3, 1988, such articles, whether imported directly or indirectly, shall be subject to duty at the rates set forth in the Rates of Duty column 2 of the TSUS.

(2) General Headnote 3(d) to the TSUS, setting forth those countries whose products, whether imported directly or indirectly, shall be dutied at the rates of duty shown in the column numbered 2 of such schedules, is modified by inserting in alphabetical sequence "Socialist Republic of Romania".

(3) Romania will no longer be eligible to receive credits or guarantees under any program of the U.S. Government that extends credits, credit guarantees, or investment guarantees.

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(4) The action taken in this Proclamation shall be effective July 3, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of June, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Executive Order 9590—Establishing certain awards for the Coast and Geodetic Survey

SOURCE: The provisions of Executive Order 9590 of July 21, 1945, appear at 10 FR 4203, 3 CFR, 1943-1948 Comp., p. 414, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of Commerce, hereinafter referred to as the Secretary, is hereby authorized to provide and issue, under such regulations as he may prescribe, a Coast and Geodetic Survey Distinguished Service Ribbon to any commissioned officer of the Coast and Geodetic Survey¹ or to any ship's officer or member of the crew of any Coast and Geodetic Survey ship who since September 8, 1939, has distinguished himself, or during the present war shall distinguish himself, by outstanding conduct or service in the line of duty.

2. The Secretary is hereby authorized to provide and issue, under such regulations as he may prescribe, a Coast and Geodetic Survey Meritorious Service Ribbon to any commissioned officer of the Coast and Geodetic Survey or to any ship's officer or member of the crew of any Coast and Geodetic Survey ship who since September 8, 1939, has rendered, or during the present war shall render, service of a meritorious character but not of such an outstanding character as would warrant an award of the Coast and Geodetic Survey Distinguished Service Ribbon.

3. The Secretary is hereby authorized to provide and issue, under such regulations as he may prescribe, a Coast and Geodetic Survey Good Conduct Ribbon to members of the crew of Coast and Geodetic Survey vessels for exemplary behavior, efficiency, and fidelity.

4. The Secretary is hereby authorized to provide and issue, under such regulations as he may prescribe, a Coast and Geodetic Survey Atlantic War Zone Ribbon and a Coast and Geodetic Survey Pacific War Zone Ribbon to each commissioned officer of the Coast and Geodetic Survey and to each ship's officer or member of the crew of any Coast and Geodetic Survey ship who during any period between December 7, 1941, and a date six months subsequent to the termination of the present war shall have served outside the continental limits of the

¹EDITORIAL NOTE: The Coast and Geodetic Survey was transferred to the Environmental Science Services Administration, Department of Commerce, by Reorganization Plan No. 2 of 1965, 30 FR 8819, 3 CFR, 1964-1965 Comp., p. 385. The Environmental Science Services Administration was abolished and its functions transferred to the National Oceanic and Atmospheric Administration, Department of Commerce, by Reorganization Plan No. 4 of 1970, 35 FR 15627, 3 CFR, 1966-1970 Comp., p. 1076.

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United States in the Atlantic and Pacific areas, respectively, such areas to be more precisely defined in the regulations hereby authorized.

5. The Secretary is hereby authorized to provide and issue, under such regulations as he may prescribe, a Coast and Geodetic Survey Defense Service Ribbon to each commissioned officer of the Coast and Geodetic Survey, and to each ship's officer or member of the crew of any Coast and Geodetic Survey ship who served at any time during the period beginning September 8, 1939, and ending December 6, 1941.

6. No more than one ribbon of each type herein authorized shall be issued to any one person, but for each succeeding deed or service justifying a similar award a suitable device may be awarded to be worn with the ribbon.

7. Ribbons authorized herein shall be awarded only for services performed under jurisdiction of the Secretary of Commerce, except the Good Conduct Ribbon authorized in paragraph 3. War Zone ribbons for any area shall not be awarded to persons eligible for Army or Navy area campaign medals for services in the same area.

8. The Secretary is hereby authorized to provide and issue an appropriate medal, with suitable appurtenances, to the recipient of any ribbon at such time as he may determine, and when necessary funds are available therefor.

9. The design of the medals and ribbons herein authorized shall not duplicate the design of any medals or ribbons awarded by the War or Navy Department or the War Shipping Administration.

10. The Secretary may delegate his authority hereunder and may issue such other regulations as may be appropriate to carry out the provisions of this order.

Executive Order 9919—Delegating authority and establishing procedures under the joint resolution approved December 30, 1947

SOURCE: The provisions of Executive Order 9919 of Jan. 3, 1948, appear at 13 FR 593; CFR, 1943-1948 Comp., p. 682, unless otherwise noted.

By virtue of the authority vested in me by the joint resolution approved December 30, 1947 (Public Law 395, 80th Congress), and as President of the United States, it is hereby ordered as follows:

1. The authority to consult with representatives of industry, business, and agriculture with a view to encouraging the making of voluntary agreements or plans provided for in section 2 of the said joint resolution of December 30, 1947 (hereinafter referred to as the joint resolution), and the authority to approve any such agreements or plans and to make written requests for compliance with any such agreements or plans is delegated severally to the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Director of the Office of Defense Transportation as provided in paragraphs 2, 3, 4, and 5 hereof: *Provided, however*, that no such agreement or plan shall be approved by any of such officers unless it is first submitted to and approved by the Attorney General. The consultation above referred to may be through advisory committees approved by the appropriate governmental officer or agency as representative of the various segments of the industry involved. Prior to submitting any such proposed agreement or plan to the Attorney General the appropriate governmental officer

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agency shall give industry, labor, and the public generally an opportunity to present their views with respect to the agreement or plan. The submission of the proposed agreement or plan to the Attorney General shall be accompanied by the favorable recommendation of the head of the appropriate department or agency and by a statement of (a) the circumstances which require the proposed agreement or plan, (b) the means by which the agreement or plan will be carried out, (c) the effect of the agreement or plan on persons and industries affected, including where appropriate the proposed degree of curtailment in amount and prospective use of any material, commodity, or product by any processor or user thereof, and the formulae for such curtailment, (d) the criteria used in the establishment of such formulae, and (e) the actual evidence on which the recommendation for approval is made, showing which information, if any, is subject to restrictions for reasons of military security.

2(a). The authority delegated to the Secretary of the Interior by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of fuels.

(b). For the purposes of this order the term "fuels" means coal, coke, petroleum and petroleum products, and natural and manufactured gas.

3(a). The authority delegated to the Secretary of Agriculture by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of agricultural commodities and with respect to speculative trading on commodity exchanges.

(b). For the purposes of this order, the term "agricultural commodities" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by human beings or animals, irrespective of their uses to which such commodities or products may be put, and at all stages of processing from the raw commodity, to the product therein in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary of Agriculture shall determine. For the purposes of this order, the term "agricultural commodities" shall also include all starches, sugars, fats and oils of animal, vegetable, or marine origin (including oil seeds and other oil bearing materials, fatty acids, soap and soap powder), cotton, tobacco, wool, hemp, flax fiber, and alcohol, and also such other commodities and products as the President may designate.

4(a). The authority delegated to the Director of the Office of Defense Transportation by paragraph 1 hereof shall be exercised by him with respect to allocation of transportation facilities and equipment.

(b). The powers, authority, and discretion conferred on the President by section 4(a) of the joint resolution with respect to the use of transportation equipment and facilities by rail carriers are hereby included within the powers, authority, and discretion delegated to the Director of the Office of Defense Transportation¹ under Executive Order No. 89 of December 18, 1941 (6 F.R. 6725), as amended by Executive Order No. 9389 of October 18, 1943 (8 F.R. 14183), Executive Order No. 9156 of May 2, 1942 (7 F.R. 3349), Executive Order No. 9214 of

¹EDITORIAL NOTE: Terminated by Executive Order 10065 of July 6, 1949, 14 FR 3719, FR, 1949-1953 Comp., p. 273.

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August 5, 1942 (7 F.R. 6097), and Executive Order No. 9729 of May 23, 1946 (11 F.R. 5641). The said Executive orders are amended accordingly.

5. The authority delegated to the Secretary of Commerce by paragraph 1 hereof shall be exercised by him with respect to priority, allocation, and inventory control of scarce commodities which basically affect the cost of living or industrial production, other than fuels as provided in paragraph 2, agricultural commodities as provided in paragraph 3, and transportation facilities and equipment as provided in paragraph 4.

6. The Secretary of Agriculture is hereby authorized to carry out a program for the conservation of food and feed and for that purpose to exercise the authority conferred upon the President by section 8 of the joint resolution.

7. The Secretary of Commerce is hereby authorized to continue exercising the powers, authority, and discretion conferred upon the President by section 6 of the act of July 2, 1940, 54 Stat. 714, as amended. Such powers, authority, and discretion, and the powers, authority, and discretion vested in the President by section 3 of the joint resolution are hereby included within the delegation made to the Secretary of Commerce by Executive Order No. 9630 of September 27, 1945 (10 F.R. 12245), and the said Executive order is modified accordingly.

[The provisions relating to export control contained in sec. 7 were superseded by EO 10945 of May 24, 1961, 26 FR 4487, 3 CFR, 1959-1963 Comp., p. 473]

8. Each governmental officer or agency exercising authority delegated under this order shall, in exercising such authority, consult with other agencies or committees having special information or sources of such information about the supply of or demand for the materials, commodities, or facilities involved and with other agencies or committees having responsibilities related to such authority. Each agency shall establish such committees and other working groups as may be appropriate to consult with and obtain the advice of other agencies.

9. Nothing in this order shall be deemed to affect the powers, authority, or discretion delegated to the Secretary of Agriculture by Executive Order No. 9915 of December 30, 1947.

Executive Order 10978—Establishing Presidential awards for significant contributions to the export expansion program

SOURCE: The provisions of Executive Order 10978 of Dec. 5, 1961, appear at 26 FR 11714, 3 CFR, 1959-1963 Comp., p. 498, unless otherwise noted.

WHEREAS the level of employment throughout the United States, the strength of our national economy, and our capacity to carry out our international responsibilities can be substantially increased by the establishment of many new and increased foreign markets for a variety of American industrial and farm products; and

WHEREAS it is in the national interest to promote and expand the export trade of the United States; and

WHEREAS there has been established an Export Expansion Program designed to assist American private enterprise, both large and small, to expand greatly the nature and volume of exports; and

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WHEREAS it is appropriate to award suitable public recognition to persons, firms, and organizations making significant contributions to the increase of American exports:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is hereby ordered as follows:

SECTION 1. An award program for significant contributions to the Export Expansion Program is hereby established.

SEC. 2. The Secretary of Commerce, in cooperation with the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the Small Business Administration, and the heads of other Government departments and agencies, shall establish procedures for the nomination of persons, firms, and organizations for awards and the granting of awards, and for such other matters as may be incidental thereto.

SEC. 3. There shall be two types of awards, as follows:

(a) The President's "E" Award; and

(b) The President's "E" Certificate of Service.

SEC. 4. The President's "E" Award may be made to persons, firms, and organizations engaged in the marketing of products who make significant contributions to the expansion of the export trade of the United States. It shall consist of a flag having a field of white upon which will appear a blue "E". It shall be further evidenced by an "E" Award Certificate, which shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 5. A special "E" Certificate of Service may be awarded to persons, firms, and organizations who make contributions to export expansion, but who are engaged in activities other than the marketing of products. The special "E" Certificate of Service shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 6. A recipient of either type of award may be authorized to issue to his employees a suitably designed pin inscribed with the President's "E", to display a designated style of award emblem in his advertising, and to make other appropriate use of the emblem.

Executive Order 11023—Providing for the performance by the Secretary of Commerce of certain functions relating to the National Oceanic and Atmospheric Administration

SOURCE: The provisions of Executive Order 11023 of May 28, 1962, appear at 27 FR 5131, 3 CFR, 1959-1963 Comp., p. 603, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Commerce is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority contained in section 6(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948 (62 Stat. 298; 33 U.S.C. 853e(b)) to revoke the commissions of ensigns of the National Oceanic and Atmospheric Administration who are found not fully qualified and to separate such ensigns from the commissioned service.

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(b) The authority vested in the President by section 12(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j-1(a)), to make temporary appointments in the grade of ensign in the National Oceanic and Atmospheric Administration.

(c) The authority vested in the President by section 12(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j-1(b)), to temporarily promote officers in the permanent grade of ensign in the National Oceanic and Atmospheric Administration, and to appoint such officers to the grade of lieutenant junior grade whenever vacancies exist in higher grades.

(d) The authority vested in the President by section 12(c) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j-1(c)), to temporarily promote any officer one grade.

(e) The authority vested in the President by section 13(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853k(b)), to defer the retirement of an officer of the National Oceanic and Atmospheric Administration serving in a rank above that of captain who has attained the age of sixty-two years.

(f) The authority vested in the President by section 14 of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853l), to retire from the active service any commissioned officer of the National Oceanic and Atmospheric Administration, upon his own application, who has completed twenty years of active service in the National Oceanic and Atmospheric Administration.

(g) The authority vested in the President by section 23(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853t(a)), (1) to find that any officer appointed under section 23 is not qualified for service, (2) to revoke the commissions of officers in respect of whom such findings are made, and (3) to prescribe the regulations referred to in that section.

(h) The authority contained in section 1(1) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a-1(1)) to temporarily promote to higher ranks or grades, upon recommendation of the Secretary of the military department concerned, commissioned officers of the National Oceanic and Atmospheric Administration transferred to the military departments.

(i) The authority contained in section 1(2) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a-1(2)) to temporarily promote commissioned officers of the National Oceanic and Atmospheric Administration to fill vacancies in ranks and grades caused by transfer of commissioned officers to the service and jurisdiction of the military departments.

(j) The authority contained in section 1(3) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a-1(3)) to temporarily appoint deck officers and junior engineers to the grade of ensign to fill vacancies caused by transfer of officers to the military departments.

(k) The authority vested in the President by section 16 of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. 855), to transfer to service and jurisdiction of the Department of Defense, as he may deem to be in the best interest of the country, vessels, equipment, stations, and personnel

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of the National Oceanic and Atmospheric Administration; but the Secretary of Commerce may effect such transfers only during the existence of a state of national emergency proclaimed by the President. Commissioned officers so transferred shall serve under their commissions in the National Oceanic and Atmospheric Administration and while so serving shall constitute a part of the active armed forces of the United States and shall be under the direct orders of, and shall be subject to the applicable laws, regulations, and orders for the government of, the armed forces to which they are transferred, respectively. The Secretary of Commerce may return such vessels, equipment, stations, and personnel to the jurisdiction of the Department of Commerce, but in time of national emergency such return shall be effected only with the concurrence of the Secretary of Defense.

(l) The authority vested in the President by section 8 of the Act of August 6, 1947 (61 Stat. 788; 33 U.S.C. 883h) to employ public vessels, and to give instructions for regulating their conduct, to carry out the provisions of the Act of August 6, 1947; but the employment by the Secretary of Commerce of vessels, except those of the Department of Commerce or of any subordinate entity thereof, shall require the concurrence of the head of the department or other executive agency having custody or control of the vessel.

[Title and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. Upon receipt by the Secretary of Commerce from the President or from the President's representative of information showing that the Senate has confirmed nominees of the President for appointment as commissioned officers of the National Oceanic and Atmospheric Administration, and without any further action on the part of the President, (1) the Secretary of Commerce or an officer of the Department of Commerce designated by the Secretary may, upon completion of statutory requirements for such appointments, tender offers of appointment to the nominees and upon acceptance such persons shall be deemed to be appointed accordingly, (2) the Secretary of Commerce, in the name of the President, shall issue to each such person a commission evidencing the appointment of such person accordingly, and (3) the commissions of such persons shall be deemed to have been signed by the President. The effective date specified in any commission so issued shall be deemed, for all purposes, to be the date of the appointment evidenced by such commission.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. In connection with making appointments or promotions under authority delegated to him by subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order, the Secretary of Commerce shall issue to each person appointed or promoted by him thereunder a certificate evidencing the appointment or promotion of such person. Such certificate may be issued in the name of the President.

SEC. 4. Any requirement of any provision of law that commissions of officers under the direction and control of the Secretary of Commerce be signed by the President before the seal of the Department of Commerce may be affixed thereto shall in the case of officers appointed under the procedure set forth in section 2 of this order and in the case

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of officers appointed or promoted under authority delegated by subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order, be deemed to be satisfied by signature of the commission or certificate by the Secretary of Commerce, before the departmental seal is affixed thereto.

SEC. 5. The Secretary of Commerce is hereby authorized to accept, in the name of the President, the resignation of a commissioned officer, either permanent or temporary, of the National Oceanic and Atmospheric Administration.

[Sec. 5 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 6. The authority delegated by the provisions of subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order shall be deemed to include the authority to terminate any appointment or promotion made under the provisions of law referred to in those subsections.

SEC. 7. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified or revoked pursuant to the authority conferred by this order. The following are hereby superseded: (1) Letter of the President to the Secretary of Commerce, dated April 23, 1929, and relating to the general subject of section 2 of this order, and (2) letter of the Secretary to the President, dated July 1, 1919, and directed to the Secretary of Commerce, relating to the general subject of section 5 of this order.

SEC. 8. As used in this order the term "functions" embraces duties, powers, responsibilities, authority or discretion, and the term "perform" may be construed to mean "exercise".

Executive Order 11160—Prescribing regulations relating to medical care for retired ships' officers and members of crews of vessels of the Coast and Geodetic Survey and dependents of active and retired ships' officers and crew members

SOURCE: The provisions of Executive Order 11160 of July 6, 1964, appear at 29 FR 9315, 3 CFR, 1964-1965 Comp., p. 212, unless otherwise noted.

By virtue of the authority vested in me by the first section of the Act of July 19, 1963 (Public Law 88-71, 77 Stat. 83, 42 U.S.C. 253a), and as President of the United States, I hereby prescribe the following regulations relating to the medical care of certain retired personnel of the Coast and Geodetic Survey¹ and dependents of Coast and Geodetic Survey ships' officers and crew members, both active and retired.

SECTION 1. *Definitions.* As used in these regulations, the term:

(1) "Retired ships' officer and retired crew member" means a non-commissioned ships' officer or crew member of a vessel of the Coast

¹ EDITORIAL NOTE: The Coast and Geodetic Survey was transferred to the Environmental Science Services Administration, Department of Commerce, by Reorganization Plan No. 2 of 1965, 30 FR 8819, 3 CFR, 1964-1965 Comp., p. 385. The Environmental Science Services Administration was abolished and its functions transferred to the National Oceanic and Atmospheric Administration, Department of Commerce, by Reorganization Plan No. 4 of 1970, 35 FR 15627, 3 CFR, 1966-1970 Comp., p. 1076.

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and Geodetic Survey who either was on active duty as a vessel employee on July 19, 1963, and whose employment as such vessel employee was continuous from that date until the date of his retirement, or who had retired as a vessel employee on or before July 19, 1963.

(2) "Active duty ships' officer and active duty crew member" means a noncommissioned ships' officer or crew member on active duty as a vessel employee of the Coast and Geodetic Survey on July 19, 1963, and whose employment as such vessel employee has been continuous from that time.

(3) "dependent members of families", with respect to active duty or retired ships' officers or crew members, means:

(A) the lawful wife;

(B) the unmarried legitimate child, including an adopted child or stepchild, who has not passed his twenty-first birthday; and

(C) the father or mother, if in fact dependent upon such active duty or retired ships' officer or crew member for over one-half of his or her support.

(4) "Relief stations" means Public Health Service outpatient clinics and outpatient offices.

(5) "Outpatient clinic" means a full-time outpatient medical facility, operated in Federally owned or leased space under the supervision of a commissioned medical officer or a full-time civil service medical officer (formerly known as a Second-Class Relief Station).

(6) "Outpatient office" means a part-time outpatient facility serving all classes of legal beneficiaries, located in other than Federal space, and in the charge of a local private physician under contract to the Service to provide medical care on an annual or fee basis (formerly known as a Third-Class Relief Station).

SEC. 2. *Persons entitled to treatment.* The following persons shall be entitled to medical care under these regulations:

(1) Retired ships' officers and retired crew members of the Coast and Geodetic Survey;

(2) Dependent members of families of persons described in paragraph (1) of this section;

(3) Dependent members of families of active duty ships' officers and crew members of the Coast and Geodetic Survey.

SEC. 3. *Application for treatment; evidence of eligibility.* Persons entitled to medical care under Section 2 of these regulations, when applying to Public Health Service medical care facilities for medical care, shall produce proper identification, as issued to them by the Coast and Geodetic Survey, and such identification shall be accepted as evidence of eligibility for such medical care by the Service.

SEC. 4. *Extent of treatment; retired ships' officers and crew members.* Subject to the limitation imposed by paragraph (2) of this section, retired ships' officers and crew members entitled to medical care under these regulations shall be furnished:

(1) Medical, surgical, and dental treatment at hospitals, outpatient clinics, and outpatient offices of the Service, and hospitalization at hospitals of the Service. The Service will not be responsible for defraying the cost of hospitalization, medical services, and supplies procured elsewhere.

(2) Dental treatment shall be furnished to the extent that facilities and services at hospitals and outpatient clinics of the Service having full-

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time dental officers on duty are available to provide such treatment. At other Service facilities, dental treatment shall be limited to emergency measures necessary to relieve pain.

SEC. 5. *Extent of treatment; dependent members of families; charges.* (a) Dependent members of families shall be furnished medical advice and outpatient treatment at hospitals, outpatient clinics, and outpatient offices of the Service and, if suitable accommodations are available, shall be furnished hospitalization at hospitals of the Service. The Service will not be responsible for defraying the cost of hospitalization, medical services, and supplies procured elsewhere.

(b) For the purpose of this section—

(1) Medical advice and outpatient treatment may include such services and supplies as the Medical Officer in Charge may deem to be necessary for reasonable and adequate treatment.

(2) Hospitalization shall be furnished when, in the opinion of the Medical Officer in Charge, suitable accommodations are available and the condition of the patient is such as to require hospitalization. When hospitalization is authorized, it may include such services and supplies as the Medical Officer in Charge may deem to be necessary for reasonable and adequate treatment.

(c) Charges shall be made for hospitalization of dependent members of families at the same per diem rate as is prescribed for dependents of members of the uniformed services pursuant to section 1078(a) of Title 10 of the United States Code.

(d) Dental treatment may be furnished to the extent that facilities and services at hospitals and outpatient clinics of the Service having full-time dental officers are available to provide such treatment. Dental care will not be furnished under any circumstances in private facilities at the expense of the Service.

SEC. 6. *Prior orders.* Executive Order No. 9703 of March 12, 1946, prescribing regulations relating to medical care of certain personnel of the Coast Guard, Coast and Geodetic Survey, Public Health Service, and former Lighthouse Service, is hereby amended to the extent necessary to conform it to the provisions of this order.

Executive Order 11420—Establishing the Export Expansion Advisory Committee

SOURCE: The provisions of Executive Order 11420 of July 31, 1968, appear at 33 FR 10997, 3 CFR, 1966-1970 Comp., p. 739, unless otherwise noted.

WHEREAS foreign trade is an essential and continuing element in sustaining the growth, strength, and prosperity of our economy, contributes to the improvement of our balance of payments, and fosters the long-term commercial interest of the United States; and

WHEREAS, on March 20, 1968, I requested the Congress to empower the Export-Import Bank of the United States to use up to \$500,000,000 of its loan, guarantee, and insurance authority to finance broadened program to sell American goods in foreign markets; and

WHEREAS the Congress has authorized the Bank to extend loan guarantees, and insurance which, in the judgment of the Board of Directors of the Bank, offer sufficient likelihood of repayment to justify

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the Bank's support in order to actively foster the foreign trade and long-term commercial interest of the United States; and

WHEREAS it is desirable and appropriate that guidance concerning the commercial interests and the balance of payments objectives of the United States be provided to the Board of Directors of the Bank in the use of such loan, guarantee, and insurance authority allocated to finance export expansion, and I have stated that I would establish an Export Expansion Advisory Committee to provide such guidance to the Board of Directors of the Bank:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Advisory Committee.* (a) There is hereby established the Export Expansion Advisory Committee (hereinafter referred to as "the Committee").

(b) The Committee shall be composed of the following members: the Secretary of Commerce, who shall be Chairman of the Committee, the Secretary of the Treasury, the Secretary of State, and the President and Chairman of the Board of the Export-Import Bank of the United States.

SEC. 2. *Functions of the Committee.* The Committee shall review and make recommendations concerning applications and proposals for loans, guarantees, and insurance to be charged against allocations made to finance export expansion and shall provide guidance to the Board of Directors of the Bank concerning the use of such allocations with the view to fostering the foreign trade and long-term commercial interest of the United States.

SEC. 3. *Construction.* Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any Federal agency or any officer thereof or to any Federal interagency council or committee. As used herein the term "any Federal agency" includes any executive department and any other executive agency.

Executive Order 11564—Transfer of certain programs and activities to the Secretary of Commerce

SOURCE: The provisions of Executive Order 11564 of Oct. 6, 1970, appear at 35 FR 15801, 3 CFR, 1966-1970 Comp., p. 975, unless otherwise noted.

By virtue of the authority vested in me by section 12 of the Act of February 14, 1903, as amended (15 U.S.C. 1517) and section 12(d) of the Act of October 15, 1966 (49 U.S.C. 1651 note), as President of the United States, and in further implementation of Reorganization Plan No. 4 of 1970 transferring certain functions to the Secretary of Commerce and establishing the National Oceanic and Atmospheric Administration in the Department of Commerce, it is ordered as follows:

SECTION 1. (a) The following programs and activities are hereby transferred to the Secretary of Commerce:

(1) The National Oceanographic Instrumentation Center of the Department of the Navy, Department of Defense.

(2) The National Oceanographic Data Center of the Department of the Navy, Department of Defense.

(3) The Ocean Station Vessel Meteorological Program of the Department of the Navy, Department of Defense.

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(4) The Trust Territories Upper Air Observation Program of the Department of the Navy, Department of Defense.

(5) The Hydroclimatic Network Program of the Corps of Engineers of the Department of the Army, Department of Defense.

(6) The National Data Buoy Development Project of the Coast Guard, Department of Transportation.

(b) All of the power and authority of the transferor Departments conferred by law which is related to or incidental to, in support of, or necessary for, the operation of the programs and activities transferred by subsection (a) above, may be utilized by the Secretary of Commerce for the operation of those programs and activities.

SEC. 2. (a) Such personnel and positions and so much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, authorized, affected, available, or to be made available in connection with the operation of the programs and activities transferred by section 1 hereof from the Department of Defense and the Department of Transportation as the Director of the Office of Management and Budget shall determine shall be transferred from those Departments to the Department of Commerce at such time or times as the Director shall direct.

(b) Subject to the direction of the Director of the Office of Management and Budget, the appropriate officers of the Government shall make necessary administrative arrangements for the assumption by the Secretary of Commerce of the programs and activities so transferred.

Executive Order 11651—Textile trade agreements

SOURCE: The provisions of Executive Order 11651 of Mar. 3, 1972, appear at 37 FR 4699, 3 CFR, 1971-1975 Comp., p. 676, unless otherwise noted.

CROSS REFERENCE: Executive Order 12475 of May 9, 1984, this chapter, p. 288, supersedes, but does not supersede or amend, Executive Order 11651.

By virtue of the authority vested in me by Section 204 of the Agricultural Act of 1956 (76 Stat. 104), as amended (7 U.S.C. 1854), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Committee for the Implementation of Textile Agreements (hereinafter referred to as the Committee), consisting of representatives of the Departments of State, the Treasury, Commerce, and Labor, with the representative of the Department of Commerce as Chairman, is hereby established to supervise the implementation of all textile trade agreements. It shall be located for administrative purposes in the Department of Commerce. The United States Trade Representative, or his designee, also shall be a member of the Committee.

(b) Except as provided in subsection (c) of this section, the Chairman of the Committee, after notice to the representatives of the other member agencies, shall take such actions or shall recommend that appropriate officials or agencies of the United States take such actions as may be necessary to implement each such textile trade agreement: Provided, however, that if a majority of the voting members of the Committee have objected to such action within ten days of receipt of notice from the Chairman, such action shall not be taken except as may otherwise be authorized.

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(c) To the extent authorized by the President and by such officials as the President may from time to time designate, the Committee shall take appropriate actions concerning textiles and textile products under Section 204 of the Agricultural Act of 1956, as amended, and Articles 3 and 8 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and with respect to any other matter affecting textile trade policy.

[Sec. 1 amended by EO 11951 of Jan. 6, 1977, 42 FR 1453, 3 CFR, 1977 Comp., p. 70; EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 2. (a) The Commissioner of Customs shall take such actions as the Committee, acting through its Chairman, shall recommend to carry out all agreements and arrangements entered into by the United States pursuant to Section 204 of the Agricultural Act of 1956, as amended, with respect to entry, or withdrawal from warehouse, for consumption in the United States of textiles and textile products.

(b) Under instructions approved by the Committee, the Secretary of State shall designate the Chairman of the United States delegation to all negotiations and consultations with foreign governments undertaken with respect to the implementation of textile trade agreements pursuant to this Order. The Secretary of State shall make such representations to foreign governments, including the presentation of diplomatic notes and other communications, as may be necessary to carry out this Order.

SEC. 3. Executive Order No. 11052 of September 28, 1962, as amended, and Executive Order No. 11214 of April 7, 1965, are hereby superseded. Directives issued thereunder to the Commissioner of Customs shall remain in full force and effect in accordance with their terms until modified pursuant to this Order.

SEC. 4. This Order shall be effective upon its publication in the FEDERAL REGISTER.¹

Executive Order 11846—Administration of the trade agreements program

SOURCE: The provisions of Executive Order 11846 of Mar. 27, 1975, appear at 40 FR 14291, 3 CFR, 1971-1975 Comp., p. 971, unless otherwise noted.

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93-618, 88 Stat. 1978), the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *The Trade Agreements Program.* The "trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930, as amended, the Trade Expansion Act of 1962, as amended, or the Act.

SEC. 2. *The United States Trade Representative.*

¹ EDITORIAL NOTE: Published in the FEDERAL REGISTER of Mar. 4, 1972.

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(a) The United States Trade Representative, hereinafter referred to as the Trade Representative, in addition to the functions conferred upon him by the Act, including Section 141 thereof, and in addition to the functions and responsibilities set forth in this Order, shall be responsible for such other functions as the President may direct.

(b) [Revoked]

(c) The Trade Representative shall prepare, for the President's transmission to Congress, the annual report on the trade agreements program required by Section 163(a) of the Act. At the request of the Trade Representative, other agencies shall assist in the preparation of that report.

(d) The Trade Representative, except where expressly otherwise provided or prohibited by statute, Executive order, or instructions of the President, shall be responsible for the proper administration of the trade agreements program, and may, as he deems necessary, assign to the head of any Executive agency or body the performance of his duties which are incidental to the administration of the trade agreements program.

(e) The Trade Representative shall consult with the Trade Policy Committee in connection with the performance of his functions, including those established or delegated by this Order, and shall, as appropriate, consult with other Federal agencies or bodies. With respect to the performance of his functions under Title IV of the Act, including those established or delegated by this Order, the Trade Representative shall also consult with the East-West Foreign Trade Board.

(f) The Trade Representative shall be responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program. Any such Proclamation shall be subject to all the provisions of Executive Order No. 11030, as amended, except that such Proclamation need not be submitted to the Director of the Office of Management and Budget.

(g) The Secretary of State shall advise the Trade Representative, and the Committee, on the foreign policy implications of any action under the trade agreements program. The Trade Representative shall invite appropriate departments to participate in trade negotiations of particular interest to such departments, and the Department of State shall participate in trade negotiations which have a direct and significant impact on foreign policy.

[Sec. 2 affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 3. *The Trade Policy Committee.* (a) [Revoked]

(b) The Committee shall have the functions conferred by the Trade Expansion Act of 1962, as amended, upon the inter-agency organization referred to in Section 242 thereof, as amended, the functions delegated to it by the provisions of this Order, and such other functions as the President may from time to time direct. Recommendations and advice of the Committee shall be submitted to the President by the Chairman.

(c) The Trade Representative or any other officer who is chief representative of the United States in a negotiation in connection with the trade agreements program shall keep the Committee informed with respect to the status and conduct of negotiations and shall consult with the Committee regarding the basic policy issues arising in the course of negotiations.

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(d) Before making recommendations to the President under Section 242(b)(2) of the Trade Expansion Act of 1962, as amended, the Committee shall, through the Trade Representative, request the advice of the Adjustment Assistance Coordinating Committee, established by Section 281 of the Act.

(e) [Revoked]

(f) [Revoked]

(g) The Trade Expansion Act Advisory Committee established by Section 4 of Executive Order No. 11075 of January 15, 1963, is abolished and all of its records are transferred to the Trade Policy Committee.

[Sec. 3 amended by EO 11947 of Nov. 8, 1976, 41 FR 49799, 3 CFR, 1976 Comp., p. 159; EO 12102 of Nov. 17, 1978, 43 FR 54197, 3 CFR, 1978 Comp., p. 258; affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 4. Trade Negotiations Under Title I of the Act.

(a) The functions of the President under Section 102 of the Act concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, are hereby delegated to the Trade Representative.

(b) The Trade Representative, after consultation with the Committee, shall prepare, for the President's transmission to Congress, all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements; provided, however, that where implementation of an agreement on nontariff barriers to, and other distortions of, trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law shall prepare and transmit to the Trade Representative the proposed legislation necessary or appropriate for such implementation.

(c) The functions of the President under Section 131(a) of the Act, with respect to publishing and furnishing to the International Trade Commission lists of articles, are delegated to the Trade Representative. The functions of the President under Section 131(c) of the Act with respect to advice of the International Trade Commission and under Section 132 of the Act with respect to advice of the departments of the Federal Government and other sources, are delegated to the Trade Representative. The functions of the President under Section 133 of the Act with respect to public hearings in connection with certain trade negotiations are delegated to the Trade Representative, who shall designate an interagency committee to hold and conduct any such hearings.

(d) The functions of the President under Section 135 of the Act with respect to advisory committees and, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to advisory committees under the Act are delegated to the Trade Representative. In establishing and organizing general policy advisory committees or sector advisory committees under Section 135(c) of the Act, the Trade Representative shall act through the Secretaries of Commerce, Labor and Agriculture, as appropriate.

(e) The functions of the President with respect to determining ad valorem amounts and equivalents pursuant to Section 601(3) and (4) of the

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Act are hereby delegated to the Trade Representative. The International Trade Commission is requested to advise the Trade Representative with respect to determining such ad valorem amounts and equivalents. The Trade Representative shall seek the advice of the Commission and consult with the Committee with respect to the determination of such ad valorem amounts and equivalents.

(f) Advice of the International Trade Commission under Section 131 of the Act, and other advice or reports by the International Trade Commission to the President or the Trade Representative, the release or disclosure of which is not specifically authorized or required by law, shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Trade Representative.

(g) All reports, findings, advice, determinations, hearing transcripts, briefs, and information which, under the terms of the Act, the International Trade Commission is required to furnish to the President shall be transmitted to the President through the Trade Representative.

[Sec. 4 amended by EO 11947 of Nov. 8, 1976, 41 FR 49799, 3 CFR, 1976 Comp., p. 156; affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 5. *Import Relief and Market Disruption.*

(a) The Trade Representative is authorized to request from the International Trade Commission the information specified in Sections 202(d) and 203(i)(1) and (2) of the Act.

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce or the Secretary of Agriculture, as appropriate, is authorized to issue, under Section 203(g) of the Act, regulations governing the administration of any quantitative restrictions proclaimed in order to provide import relief and is authorized to issue, under Section 203(g) of the Act or 352(b) of the Trade Expansion Act of 1962, regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement.

(c) The Secretary of Commerce shall exercise primary responsibility for monitoring imports under any orderly marketing agreement.

[Sec. 5 affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 6. *Unfair Trade Practices.* [Revoked]

[Sec. 6 revoked by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 7. *East-West Foreign Trade Board.* (a) In accordance with Section 411 of the Act, there is hereby established the East-West Foreign Trade Board, hereinafter referred to as the Board.¹ The Board shall be composed of the following members and such additional members of the Executive branch as the President may designate:

- (1) The Secretary of State.
- (2) The Secretary of the Treasury.
- (3) The Secretary of Defense.
- (4) The Secretary of Agriculture.
- (5) The Secretary of Commerce.
- (6) The United States Trade Representative.
- (7) The Director of the Office of Management and Budget.

¹ EDITORIAL NOTE: Functions transferred to the United States Trade Representative and Board abolished by Reorganization Plan No. 3 of 1979, 44 FR 69273, 3 CFR, 1979 Comp., p. 513, effective Jan. 2, 1980.

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- (8) The Chairman of the Council of Economic Advisers.
- (9) The President of the Export-Import Bank of the United States. The President shall designate the Chairman and the Deputy Chairman of the Board. The President may designate an Executive Secretary, who shall be Chairman of a working group which will include membership from the agencies represented on the Board.
- (b) The Board shall perform such functions as are required by Section 411 of the Act and such other functions as the President may direct.
- (c) The Board is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out its responsibilities under the Act and this Order.
- (d) The Secretary of State shall advise the President with respect to terminations required to be made in connection with Sections 402 and 409 of the Act (dealing with freedom of emigration) and Section 3 (dealing with United States personnel missing in action in Southeast Asia), and shall prepare, for the President's transmission to Congress, the reports and other documents required by Sections 402 and 409 of the Act.
- (e) The President's Committee on East-West Trade Policy, established by Executive Order No. 11789 of June 25, 1974, as amended by Section 6(d) of Executive Order No. 11808 of September 30, 1974, is abolished and all of its records are transferred to the Board.

Section 7 amended by EO 11894 of Jan. 3, 1976, 41 FR 1041, 3 CFR, 1976 Comp., p. 81; EO 12102 of Nov. 17, 1978, 43 FR 54197, 3 CFR, 1978 Comp., p. 258; affected by EO 12102 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 8. *Generalized System of Preferences.*

- (a) The Trade Representative, in consultation with the Secretary of State, shall be responsible for the administration of the generalized system of preferences under Title V of the Act.
- (b) The Committee, through the Trade Representative, shall advise the President as to which countries should be designated as beneficiary developing countries, and as to which articles should be designated as eligible articles for the purposes of the system of generalized preferences.
- (c) The Committee, through the Trade Representative, shall perform the functions of the President specified in Section 503(a) of the Act, with respect to publishing and furnishing to the International Trade Commission lists of articles that may be considered for designation as eligible articles for purposes of the Generalized System of Preferences.
- (d) The Committee, through the Trade Representative, to the extent necessary to determine the applicability of the provisions of Section 332(g) of the Tariff Act of 1930, as amended, shall perform the functions of the President under Section 332(g) of the Tariff Act of 1930, as amended, with respect to requests for investigations by, and reports from, the International Trade Commission.

Section 8 amended by EO 11947 of Nov. 8, 1976, 41 FR 49799, 3 CFR, 1976 Comp., p. 159; EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 9. *Prior Executive Orders.* (a) Executive Order No. 11789 of June 25, 1974, and Section 6(d) of Executive Order No. 11808 of September 30, 1974,

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30, 1974, relating to the President's Committee on East-West Trade Policy are hereby revoked.

(b) (1) Sections 5(b), 7, and 8 of Executive Order No. 11075 of January 15, 1963, are hereby revoked effective April 3, 1975; (2) the remainder of Executive Order No. 11075, and Executive Order No. 11106 of April 18, 1963 and Executive Order No. 11113 of June 13, 1963, are hereby revoked.

Executive Order 11854—Waiver under the Trade Act of 1974 with respect to the Socialist Republic of Romania

SOURCE: The provisions of Executive Order 11854 of Apr. 24, 1975, appear at 40 FR 18391, 3 CFR, 1971-1975 Comp., p. 987, unless otherwise noted.

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 2057), and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act with respect to the Socialist Republic of Romania.

Executive Order 11879—Delegating to the Secretary of Commerce functions relating to orders for the provision of chemicals or substances necessary for treatment of water

SOURCE: The provisions of Executive Order 11879 of Sept. 17, 1975, appear at 40 FR 43197, 3 CFR, 1971-1975 Comp., p. 1020, unless otherwise noted.

By virtue of the authority vested in me by Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), and as President of the United States, the Secretary of Commerce is hereby delegated, with power to redelegate to agencies, officers and employees of the Government, the functions of the President contained in said section 1441. Those functions shall be administered under regulations or agreements which are identical or compatible with other regulations and agreements, including those provided pursuant to Executive Order No. 10480, as amended, for the allocation of similar chemicals or substances.

Executive Order 11880—Designation of officers of the Department of Commerce to act as Secretary of Commerce

SOURCE: The provisions of Executive Order 11880 of Oct. 2, 1975, appear at 40 FR 46089, 3 CFR, 1971-1975 Comp., p. 1021, unless otherwise noted.

By virtue of the authority vested in me by section 3347 of Title 5 of the United States Code and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability or vacancy in office, both the Secretary of Commerce and the Deputy Secretary of Commerce are not available to exercise the powers or perform the duties of the Office of Secretary, an Assistant Secretary of Commerce, the General Counsel of the Department of Commerce, or an officer of the Department of Commerce appointed by the President

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with the advice and consent of the Senate, in such order as the Secretary of Commerce may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, an Assistant Secretary or the General Counsel shall act as Secretary in the order in which they shall have taken office as Assistant Secretaries or General Counsel.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. This Order supersedes Executive Order No. 11388 of January 15, 1968.

Executive Order 11913—Collection of information for import relief and adjustment assistance

SOURCE: The provisions of Executive Order 11913 of Apr. 26, 1976, appear at 41 FR 17721, 3 CFR, 1976 Comp., p. 117, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), and as President of the United States of America, in order to reduce the reporting burden with respect to the collection of information pursuant to Title II of the Trade Act of 1974 (88 Stat. 2011, 19 U.S.C. 2251 *et seq.*) and consistent with Chapter 35 of Title 44 of the United States Code, it is hereby ordered as follows:

SECTION 1. Whenever the United States International Trade Commission, in connection with investigations pursuant to Section 201 of the Trade Act of 1974 (19 U.S.C. 2251), collects factual data from firms on their sales, production, employment, and financial experience, the Commission shall provide such information to the Secretary of Commerce and Labor.

SEC. 2. The Secretaries of Commerce and Labor shall ensure that the factual data, received pursuant to Section 1, are used solely for the performance of their functions pursuant to Sections 264 and 224, respectively, of the Trade Act of 1974 (19 U.S.C. 2354 and 2274).

Executive Order 12002—Administration of the Export Administration Act of 1969, as amended

SOURCE: The provisions of Executive Order 12002 of July 7, 1977, appear at 42 FR 5623, 3 CFR, 1977 Comp., p. 133, unless otherwise noted.

CROSS REFERENCE: Executive Order 12214 of May 2, 1980, this chapter, p. 280, affects actions undertaken by Executive Order 12002. Additionally, Executive Order 12002 was continued by Executive Order 12444 of Oct. 14, 1983, 48 FR 48215, 3 CFR, 1983 Comp., p. 214, which was revoked by Executive Order 12451 of Dec. 20, 1983, this chapter, p. 67.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, *et seq.*), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2, the power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401,

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et seq.), hereinafter referred to as the Act, are delegated to the Secretary of Commerce, with the power of successive redelegation.

SEC. 2. (a) The power, authority and discretion conferred upon the President in Sections 4(h) and 4(l) of the Act are retained by the President.

(b) The power, authority and discretion conferred upon the President in Section 3(8) of the Act, which directs that every reasonable effort be made to secure the removal or reduction of assistance by foreign countries to international terrorists through cooperation and agreement, are delegated to the Secretary of State, with the power of successive redelegation.

SEC. 3. The Export Administration Review Board, hereinafter referred to as the Board, which was established by Executive Order No. 11533 of June 4, 1970, as amended, is hereby continued. The Board shall continue to have as members the Secretary of Commerce, who shall be Chairman of the Board, the Secretary of State, the Secretary of Defense, and the Chairman of the East-West Foreign Trade Board (Section 7 of Executive Order No. 11846, as amended). No alternate Board members shall be designated, but the acting head of any department may serve in lieu of the head of the concerned department. In the case of the East-West Foreign Trade Board, the Deputy Chairman or the Executive Secretary may serve in lieu of the Chairman. The Board may invite the heads of other United States Government departments or agencies, other than the agencies represented by Board members, to participate in the activities of the Board when matters of interest to such departments or agencies are under consideration.

SEC. 4. The Secretary of Commerce may from time to time refer to the Board such particular export license matters, involving questions of national security or other major policy issues, as the Secretary shall select. The Secretary of Commerce shall also refer to the Board any other such export license matter, upon the request of any other member of the Board or of the head of any other United States Government department or agency having any interest in such matter. The Board shall consider the matters so referred to it, giving due consideration to the foreign policy of the United States, the national security, and the domestic economy, and shall make recommendation thereon to the Secretary of Commerce.

SEC. 5. The President may at any time (a) prescribe rules and regulations applicable to the power, authority, and discretion referred to in this Order, and (b) communicate to the Secretary of Commerce such specific directives applicable thereto as the President shall determine. The Secretary of Commerce shall from time to time report to the President upon the administration of the Act and, as the Secretary deems necessary, may refer to the President recommendations made by the Board under Section 4 of this Order. Neither the provisions of this section nor those of Section 4 shall be construed as limiting the provisions of Section 1 of this Order.

SEC. 6. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under, or continued in existence by, the Executive orders revoked in Section 7 of this Order, and not revoked administratively or legislatively, shall remain in full force and effect under this Order until amended, modified, or terminated by proper authority. The revocations in Section 7 of

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This Order shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under those orders during the period those Orders were in effect.

SEC. 7. Executive Order No. 11533 of June 4, 1970, Executive Order No. 11683 of August 29, 1972, Executive Order No. 11798 of August 4, 1974, Executive Order No. 11818 of November 5, 1974, Executive Order No. 11907 of March 1, 1976, and Executive Order No. 11940 of September 30, 1976 are hereby revoked.

Executive Order 12051—Waiver under the Trade Act of 1974 with respect to the Hungarian People's Republic

SOURCE: The provisions of Executive Order 12051 of Apr. 7, 1978, appear at 43 FR 131, 3 CFR, 1978 Comp., p. 173, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America by Section 402(c)(2) of the Trade Act of 1974 (88 Stat. 2057, 19 U.S.C. 2432(c)(2)), which continues to apply to the Hungarian People's Republic pursuant to Section 402(d), and having made the report to the Congress required by Section 402(c)(2), I waive the application of subsections (a) and (b) of Section 402 of said Act with respect to the Hungarian People's Republic.

Executive Order 12131—The President's Export Council

SOURCE: The provisions of Executive Order 12131 of May 4, 1979, appear at 44 FR 841, 3 CFR, 1979 Comp., p. 381, unless otherwise noted.

By the authority vested in me as President by the Constitution and Statutes of the United States of America, and in order to expand the membership of the President's Export Council, in accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

1-1. Establishment and Membership.

1-101. There is established the President's Export Council.

1-102. The membership of the Council shall be as follows:

(a) The heads of the following Executive agencies or their representatives:

(1) Department of State.

(2) Department of the Treasury.

(3) Department of Agriculture.

(4) Department of Commerce.

(5) Department of Labor.

(6) Office of the United States Trade Representative.

(7) Export-Import Bank of the United States.

(b) Five members of the United States Senate, designated by the President of the Senate, and five members of the United States House of Representatives, designated by the Speaker of the House, to serve a two-year term.

(c) Not to exceed 28 citizens appointed by the President. These individuals shall be selected from those who are not full-time Federal officers or employees. They shall include representatives of business and industry, agriculture, and labor.

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[Sec. 1-102 affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131; amended by EO 12551 of Feb. 21, 1986, 51 FR 6509, 3 CFR, 1986 Comp., p. 201]

1-103. The President shall designate a Chairman and a Vice Chairman from among the members appointed by the President.

1-104. The Secretary of Commerce, with the concurrence of the Chairman, shall appoint an Executive Director.

1-2. *Functions.*

1-201. The Council shall serve as a national advisory body on matters relating to United States export trade, including advice on the implementation of the President's National Export Policy, which was announced on September 26, 1978. It shall, through the Secretary of Commerce, report to the President on its activities and on its recommendations for expanding United States exports.

1-202. The Council should survey and evaluate the export expansion activities of the communities represented by the membership. It should identify and examine specific problems which business, industrial, and agricultural practices may cause for export trade, and examine the needs of business, industry, and agriculture to expand their efforts. The Council should recommend specific solutions to these problems and needs.

1-203. The Council may act as liaison among the communities represented by the membership; and, may provide a forum for those communities on current and emerging problems and issues in the field of export expansion. The Council should encourage the business, industrial, and agricultural communities to enter new foreign markets and to expand existing export programs.

1-204. The Council shall provide advice on Federal plans and actions that affect export expansion policies which have an impact on those communities represented by the membership.

1-205. The Council may establish, with the concurrence of the Secretary of Commerce, an executive committee and such other subordinate committees it considers necessary for the performance of its functions. The Chairman of a subordinate committee shall be designated, with the concurrence of the Secretary of Commerce, by the Chairman of the Council from among the membership of the Council. Members of subordinate committees shall be appointed by the Secretary of Commerce.

1-3. *Administrative Provisions.*

1-301. The Secretary of Commerce shall, to the extent permitted by law, provide the Council, including its executive and subordinate committees, with administrative and staff services, support and facilities as may be necessary for the effective performance of its functions.

1-302. Each member of the Council, including its executive and subordinate committees, who is not otherwise paid a salary by the Federal Government, shall receive no compensation from the United States by virtue of their service on the Council, but all members may receive the transportation and travel expenses, including per diem in lieu of subsistence, authorized by law (5 U.S.C. 5702 and 5703).

1-4. *General Provisions.*

1-401. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Con-

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gress, which are applicable to the Council, shall be performed by the Secretary of Commerce in accordance with guidelines and procedures established by the Administrator of General Services.

1-402. Executive Order No. 11753 is revoked; however, nothing in this Order shall be deemed to require new charters for the Council, including its executive and subordinate committees, which were current immediately prior to the issuance of this Order.

1-403. The Council shall terminate on December 31, 1980, unless sooner extended.

EDITORIAL NOTE: The President's Export Council was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Secretary of Commerce in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12167—Waiver under the Trade Act of 1974 with respect to the People's Republic of China

SOURCE: The provisions of Executive Order 12167 of Oct. 23, 1979, appear at 44 FR 11167, 3 CFR, 1979 Comp., p. 453, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America by section 402(c)(2) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), which continues to apply to the People's Republic of China pursuant to section 402(d), and having made the report to the Congress required by section 402(c)(2), I waive the application of subsections (a) and (b) of section 402 of said Act with respect to the People's Republic of China.

Executive Order 12183—Revoking Rhodesian sanctions

SOURCE: The provisions of Executive Order 12183 of Dec. 16, 1979, appear at 44 FR 17187, 3 CFR, 1979 Comp., p. 472, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and in order to terminate current limitations relating to trade and other transactions involving Zimbabwe-Rhodesia, it is hereby ordered as follows:

1-101. (a) Subject to the provisions of this order, the following are hereby revoked with respect to transactions occurring after the effective date of this order:

- (1) Executive Order 11322 of January 5, 1967 (32 FR 119);
- (2) Executive Order 11419 of July 29, 1968 (33 FR 10837); and
- (3) Executive Order 11978 of March 18, 1977 (42 FR 15403).

(b) To the extent consistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, licenses, contracts, agreements, and other actions made, issued, taken, or entered into under the provisions of such Executive orders and not previously revoked, superseded, or otherwise made inapplicable, shall continue in

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full force and effect until amended, modified, or terminated by appropriate authority.

1-102. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall retain the authority and responsibility for the enforcement of Executive Orders 11322, 11419, and 11978 with respect to transactions occurring prior to the effective date of this order.

(b) The revocation, in Section 1-101 of this order, of such prior Executive orders shall not affect:

(1) any act done or omitted to be done or any suit or proceedings finished or started in civil or criminal cases prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made; or

(2) any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those revoked orders during the periods those orders were in effect.

1-103. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall take the appropriate measures to implement this order.

(b) In carrying out their respective functions and responsibilities under this order, the Secretaries of the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall, as appropriate, consult with the Secretary of State. Each such Secretary and agency head and the Secretary of State shall also consult with other government agencies and private persons, as appropriate.

Executive Order 12188—International trade functions

SOURCE: The provisions of Executive Order 12188 of Jan. 2, 1980, appear at 45 FR 989, 3 CFR, 1980 Comp., p. 131, unless otherwise noted.

By the authority vested in me by the Trade Agreements Act of 1979, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, Reorganization Plan No. 3 of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1-101. *The United States Trade Representative.*

(a) Except as may be otherwise expressly provided by law, the United States Trade Representative (hereinafter referred to as the "Trade Representative") shall be chief representative of the United States for:

(1) all activities, of, or under the auspices of, the General Agreement on Tariffs and Trade;

(2) discussions, meetings, and negotiations in the Organization for Economic Cooperation and Development when trade or commodity issues are the primary issues under consideration;

(3) negotiations in the United Nations Conference on Trade and Development and other multilateral institutions when trade or commodity issues are the primary issues under consideration;

(4) other bilateral or multilateral negotiations when trade, including East-West trade, or commodities is the primary issue under consideration;

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(5) negotiations under sections 704 and 734 of the Tariff Act of 1930 (19 U.S.C. 1671c and 1673c); and

(6) negotiations concerning direct investment incentives and disincentives and bilateral investment issues concerning barriers to investment.

For purposes of this subsection, the term "negotiations" includes discussions and meetings with foreign governments and instrumentalities primarily concerning preparations for formal negotiations and policies regarding implementation of agreements resulting from such negotiations.

(b) The Trade Representative, in consultation with the Trade Negotiating Committee, shall invite such members of the Trade Negotiating Committee and representatives of other departments or agencies as may be appropriate to participate in the negotiations and other activities listed in subsection (a).

(c) The Trade Representative, in consultation with the Trade Negotiating Committee, may delegate to any member of the Trade Negotiating Committee, or to any other appropriate department or agency, primary responsibility for representing the United States in any of the negotiations and other activities set forth in subsection (a).

(d) The Trade Representative, or any department or agency to which responsibility for representing the United States in a negotiation or other activity has been delegated pursuant to subsection (c), shall consult with the Trade Policy Committee and with any affected regulatory agencies on the policy issues arising in connection with the negotiations and other activities listed in subsection (a).

SEC. 1-102. *The Trade Policy Committee.*

(a) As provided by section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), the Trade Policy Committee (hereinafter referred to as the "Committee") is continued. The Committee shall have the functions specified by law or by the President, including those specified in section 1(b)(3) of Reorganization Plan No. 3 of 1979.

(b) The Committee shall be composed of the following:

(1) The Trade Representative, who shall be Chair

(2) The Secretary of Commerce, who shall be Vice Chair

(3) The Secretary of State

(4) The Secretary of the Treasury

(5) The Secretary of Defense

(6) The Attorney General

(7) The Secretary of the Interior

(8) The Secretary of Agriculture

(9) The Secretary of Labor

(10) The Secretary of Transportation

(11) The Secretary of Energy

(12) The Director of the Office of Management and Budget

(13) The Chairman of the Council of Economic Advisers

(14) The Assistant to the President for National Security Affairs

(15) The Director of the United States International Development Cooperation Agency.

The Chair and any member of the Committee may designate a subordinate officer whose status is not below that of an Assistant Secretary to serve in his stead when he is unable to attend any meetings of the

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Committee. The Chair may invite representatives from other agencies to attend the meetings of the Committee.

(c)(1) There is established, as a subcommittee of the Committee, a Trade Negotiating Committee which shall advise the Trade Representative on the management of negotiations referred to in section 1-101(a) of this order. The members of such subcommittee shall be the Trade Representative (Chair), the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(2) The Trade Representative, with the advice of the Committee, may create additional subcommittees thereof.

(d) In advising the President on international trade and related matters, the Trade Representative shall take into account and reflect the views of the members of the Committee and of other interested agencies.

SEC. 1-103. *Delegation of Functions.*

(a) The function vested in the President by section 412(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2542(f)) is delegated to the Secretary of Commerce with regard to the technical office established under section 412(a)(1) of such Act and to the Secretary of Agriculture with regard to the technical office established under section 412(a)(2) of such Act. In prescribing the functions of each technical office, the Secretary concerned shall consult with the Trade Representative and with all affected regulatory agencies. The functions delegated by this section shall be exercised in coordination with the Trade Representative.

(b) The functions of the President under sections 2(b) and 303 of the Trade Agreements Act of 1979 (19 U.S.C. 2503(b) and 2513) and section 701(b) of the Tariff Act of 1930 (19 U.S.C. 167(b)) are delegated to the Trade Representative, who shall exercise such authority with the advice of the Trade Policy Committee.

SEC. 1-104. *Authority Under the Foreign Service Act and Related Laws.*

(a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish a Foreign Commercial Service in the Department of Commerce, and a category of career officers of the Foreign Commercial Service to be known as Foreign Commercial Officers. For purposes of the utilization by the Secretary of the authorities granted to the Secretary under this section, the terms "Foreign Service" and "Foreign Service Officer" shall be construed to mean "Foreign Commercial Service" and "Foreign Commercial Officer," respectively.

(b) [Revoked]

[Sec. 1-104(b) revoked by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

(c) The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order 11264 of December 31, 1965, as amended, shall exercise with respect to Foreign Service personnel of the Department of Commerce the functions delegated to them by that order with respect to Foreign Service personnel of the Department of State. The Boards shall perform such additional functions with respect to Foreign Service personnel of the Department of Commerce as the Secretary may from time to time delegate or otherwise assign, consistent with the functions of such boards.

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SEC. 1-105. *Prior Executive Orders and Determination.*

(a)-(f) [Deleted]

(g) Executive Order 12096 of November 2, 1978, is revoked.

(h) The last paragraph of the Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (dated December 14, 1979) (44 FR 74781, at 74784; December 18, 1979), delegating functions under section 2(b) of the Trade Agreements Act of 1979 and section 701(b) of the Tariff Act of 1930, is revoked.

(i) Any reference to the Office of the Special Representative for Trade Negotiations or to the Special Representative for Trade Negotiations in any Executive order, Proclamation, or other document shall be deemed to refer to the Office of the United States Trade Representative or to the United States Trade Representative, respectively.

[Secs. 1-105(a)-(f) amend EO 11269 of Feb. 14, 1966, Chapter 31, p. 507; EO 11539 of June 30, 1970, Chapter 19, p. 334; EO 11651 of Mar. 3, 1972, this chapter, p. 262; EO 11730 of Feb. 7, 1973, which was superseded by EO 11743 of Oct. 23, 1973; EO 11846 of Mar. 27, 1975, this chapter, p. 263; and EO 11858 of May 7, 1975, Chapter 31, p. 514. The amendments have been incorporated into the orders codified in this volume.]

SEC. 1-106. *Incidental Transfers and Reassignments.*

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions transferred or reassigned by the provisions of this order as the Director of the Office of Management and Budget shall determine, shall be transferred or reassigned for use in connection with such functions.

SEC. 1-107. *Effective Dates.*

(a) Sections 1, 2(a), 2(b)(2), 2(c), 2(d), 3, 4, 5(a), 5(b)(2), 5 (c) through (e), and 6 through 8 of Reorganization Plan No. 3 of 1979, and the provisions of this order, shall take effect as of January 2, 1980.

(b) Section 5(b)(1) of such plan shall take effect as of April 1, 1980.

Executive Order 12205—Prohibiting certain transactions with Iran

SOURCE: The provisions of Executive Order 12205 of Apr. 7, 1980, appear at 45 FR 24099, 3 CFR, 1980 Comp., p. 248, unless otherwise noted.

CROSS REFERENCE: Executive Order 12282 of Jan. 19, 1981, this chapter, p. 286, revokes the prohibitions contained in this order.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979, to deal with the threat to the national security, foreign policy and economy of the United States referred to in that Order, and in furtherance of the objectives of United Nations Security Council Resolution 461 (1979) adopted on December 31, 1979, it is hereby ordered as follows:

1-101. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

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(a) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine and supplies intended strictly for medical purposes, and donations of clothing intended to be used to relieve human suffering, from the United States, or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran or any other person or body for the purposes of any enterprise carried on in Iran.

(b) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned by or under charter to any person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities and products covered by paragraph (a) of this section which are consigned to or destined for Iran, an Iranian governmental entity or any person or body in Iran, or to any enterprise carried on in Iran.

(c) The shipment from the United States of any of the items, products and commodities covered by paragraph (a) of this section on vessels or aircraft registered in Iran.

(d) The following acts, when committed by any person subject to the jurisdiction of the United States in connection with any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

- (i) Making available any new credits or loans;
- (ii) Making available any new deposit facilities or allowing substantial increases in non-dollar deposits which exist as of the date of this Order;
- (iii) Allowing more favorable terms of payment than are customarily used in international commercial transactions;
- (iv) Failing to act in a businesslike manner in exercising any rights when payments due on existing credits or loans are not made in a timely manner; or
- (v) Make any payment, transfer of credit, or other transfer of funds or other property or interests therein, except for purposes of family remittances.

(e) The engaging by any person subject to the jurisdiction of the United States in any service contract in support of an industrial project in Iran, except any such contract entered into prior to the date of this Order or concerned with medical care.

(f) The engaging by any person subject to the jurisdiction of the United States in any transaction which evades or avoids, or has the purpose or effect of evading or avoiding, any of the prohibitions set forth in this section.

[Para. 1-101 amended by EO 12211 of Apr. 17, 1980, 45 FR 26685, 3 CFR, 1980 Comp. p. 253]

1-102. The prohibitions in section 1-101 above shall not apply to transactions by any person subject to the jurisdiction of the United States which is a non-banking association, corporation, or other organization organized and doing business under the laws of any foreign country.

1-103. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International

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Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1-104. The Secretary of the Treasury shall ensure that actions taken pursuant to this Order and Executive Order No. 12170 are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1-105. This Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the FEDERAL REGISTER.

Executive Order 12211—Further prohibitions on transactions with Iran

SOURCE: The provisions of Executive Order 12211 of Apr. 17, 1980, appear at 45 FR 26685, 3 CFR, 1980 Comp., p. 253, unless otherwise noted.

CROSS REFERENCE: Executive Order 12282 of Jan. 19, 1981, this chapter, p. 286, repeals the prohibitions contained in this order.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Sections 1732 and 2656 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979, and Executive Order No. 12205 of April 7, 1980, to deal with the threat to the national security, foreign policy and economy of the United States referred to in those Orders, and the added unusual and extraordinary threat to the national security, foreign policy and economy of the United States created by subsequent events in Iran and neighboring countries, including the Soviet invasion of Afghanistan, with respect to which I hereby declare a national emergency, and to carry out the policy of the United States to deny the use of its resources to aid, encourage or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism, it is hereby ordered as follows:

1-101. [Deleted]

[Sec. 1-101 amends EO 12205 of Apr. 7, 1980, this chapter, p. 277. The amendment has been incorporated into that order.]

1-102. The following transactions are prohibited, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Effective immediately, the direct or indirect import from Iran into the United States of Iranian goods or services, other than materials imported for news publication or news broadcast dissemination.

(b) Effective immediately, any transactions with a foreign person or foreign entity by any citizen or permanent resident of the United States relating to that person's travel to Iran after the date of this Order.

(c) Effective seven days from the date of this Order, the payment by or on behalf of any citizen or permanent resident of the United States who is within Iran of any expenses for transactions within Iran.

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The prohibitions in paragraphs (b) and (c) of this section shall not apply to a person who is also a citizen of Iran and those prohibitions and the prohibitions in section 1-101 shall not apply to a journalist or other person who is regularly employed by a news gathering or transmitting organization and who travels to Iran or is within Iran for the purpose of gathering or transmitting news, making news or documentary films, or similar activities.

1-103. The Secretary of the Treasury is hereby directed, effective fourteen days from the date of this Order, to revoke existing licenses for transactions by persons subject to the jurisdiction of the United States with Iran Air, the National Iranian Oil Company, and the National Iranian Gas Company previously issued pursuant to regulations under Executive Order No. 12170 or Executive Order No. 12205.

1-104. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1-105. The Secretary of the Treasury shall ensure that actions taken by him pursuant to the above provisions of this Order, Executive Order No. 12170 and Executive Order No. 12205 are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1-106. The Secretary of State is delegated, and authorized to exercise in furtherance of the purposes of this Order, the powers vested in the President by Section 2001 of the Revised Statutes (22 U.S.C. 1732), Section 1 of the Act of July 3, 1926 (22 U.S.C. 211a), and Section 215 of the Immigration and Nationality Act (8 U.S.C. 11885) with respect to:

(a) the restriction of the use of United States passports for travel to, in or through Iran; and

(b) the regulation of departures from and entry into the United States in connection with travel to Iran by citizens and permanent residents of the United States.

1-107. Except as otherwise indicated herein, this Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the FEDERAL REGISTER.

Executive Order 12214—Administration of the Export Administration Act of 1979

SOURCE: The provisions of Executive Order 12214 of May 2, 1980, appear at 45 FR 29783, 3 CFR, 1980 Comp., p. 256, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 4(e) of the Export Administration Act of 1979 (Public Law 96-72; 50 U.S.C. App. 2403(e)), it is hereby ordered as follows:

1-101. Except as provided in Section 1-102, the functions conferred upon the President by the provisions of the Export Administration Act

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of 1979, hereinafter referred to as the Act (Public Law 96-72; 50 U.S.C. App. 2401 *et seq.*), are delegated to the Secretary of Commerce.

1-102. (a) The functions conferred upon the President by Sections 4(e), 5(c), 5(f)(1), 5(h)(6), 6(k), 7(d)(2), 10(g) and 20 of the Act are reserved to the President.

(b) The functions conferred upon the President by Sections 5(f)(4), 5(i), and 6(g) of the Act are delegated to the Secretary of State.

1-103. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued or otherwise taken under, or continued in existence by, Section 21 of the Act or Executive Order No. 12002, and not revoked administratively or legislatively, shall remain in full force and effect until amended, modified, or terminated by proper authority. This Order does not supersede or otherwise affect Executive Order No. 12002.

1-104. Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.

EDITORIAL NOTE: Executive Order 12214 was continued by Executive Order 12444 of Oct. 14, 1983, 48 FR 48215, 3 CFR, 1983 Comp., p. 214, which was revoked by Executive Order 12451 of Dec. 20, 1983, this chapter, p. 287.

Executive Order 12220—Agricultural trade development

SOURCE: The provisions of Executive Order 12220 of June 27, 1980, appear at 45 FR 4045, 3 CFR, 1980 Comp., p. 263, unless otherwise noted.

By the authority vested in me as President of the United States of America by the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, *et seq.*) and Section 301 of Title 3 of the United States Code, and in order to provide for the delegation of certain functions to the United States International Development Cooperation Agency and to revise existing delegations, it is hereby ordered as follows:

101-1. Department of Agriculture.

1-101. Except as otherwise provided in this Order, the following functions vested in the President by the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter referred to as the Act), are delegated to the Secretary of Agriculture: Titles I and IV (7 U.S.C. 1701, *et seq.*, and 1731, *et seq.*).

1-102. The Secretary of Agriculture shall transmit the reports required by the provisions of paragraph 5 of the Act of August 13, 1957 (71 Stat. 345; 7 U.S.C. 1704a).

1-105. The Secretary of Agriculture, after consultation with the Secretary of State, the Secretary of the Treasury, the Director of the United States International Development Cooperation Agency, the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, and the Assistant to the President for National Security Affairs, shall transmit to the Congress all reports required by Section 408 of the Act (7 U.S.C. 1736b).

1-2. United States International Development Cooperation Agency.

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1-201. Administration of Title II. The functions vested in the President by Title II of the Act (7 U.S.C. 1721, *et seq.*) are delegated to the Director of the United States International Development Cooperation Agency.

1-202. Other functions.

(a) The functions vested in the President by the Act of negotiating and entering into agreements with friendly countries are delegated to the Director of the United States International Development Cooperation Agency. Such functions shall be exercised in accord with Section 112b of Title I of the United States Code and applicable regulations and procedures of the Department of State.

(b) The functions delegated to the Director of the United States International Development Cooperation Agency by subsection (a) of this section are exclusive of any functions under Section 104 of the Act (7 U.S.C. 1704) that are delegated to any other agency by this Order and of functions under Section 310 of the Act (7 U.S.C. 1692).

(c) The functions delegated by this Order to the Director of the United States International Development Cooperation Agency may be redelegated to the head of any other Executive agency.

1-3. *Department of State.*

1-301. The Secretary of State shall perform the function of determining which countries are friendly countries within the meaning of Section 103(d) of the Act (7 U.S.C. 1703(d)).

1-302. The functions delegated by this Order to the Secretary of State may be redelegated to the head of any Executive agency.

1-4. *Foreign Currencies.*

1-401. (a) Foreign currencies which accrue under Title I of the Act (7 U.S.C. 1701, *et seq.*) may be used for the purposes set forth in Section 104 of the Act (7 U.S.C. 1704) in amounts consistent with applicable provisions of law, sales agreements and loan assessments. Except as may be inconsistent with such law or agreements, priority shall be accorded to the sale of such currencies to appropriations or to their sale otherwise for dollars. The Director of the Office of Management and Budget shall fix the amounts of such currencies to be used for the purpose set forth in Section 104 of the Act. The Director of the Office of Management and Budget shall notify the Secretary of the Treasury with respect to any amounts so fixed.

(b) The function vested in the President by the penultimate provision of Section 104 of the Act (7 U.S.C. 1704) of waiving the applicability of Section 1415 of the Supplemental Appropriation Act of 1953 (31 U.S.C. 724) is delegated to the Director of the United States International Development Cooperation Agency with respect to Section 104(e) of the Act and to the Director of the Office of Management and Budget in all other respects.

1-402. The Secretary of the Treasury shall issue regulations governing the purchase, custody, deposit, transfer and sale of foreign currencies received under the Act.

1-403. The provisions of Section 1-401 and 1-402 of this Order shall not limit Sections 1-202 and 1-3 of this Order. The provisions of Section 1-402 of this Order shall not limit Section 1-401 of this Order.

1-404. The purposes of the following paragraphs of Section 104 of the Act (7 U.S.C. 1704) shall be carried out as follows:

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(a) Those under paragraph (a) by the agencies with authority to pay the United States' obligations abroad.

(b) Those under paragraph (b)(1) by the Department of Agriculture.

(c) Those under paragraph (b)(2) by the agencies with responsibility for such functions.

(d) Those under paragraph (b)(3) of the Act as follows:

(1) Those with respect to collecting, collating, translating, abstracting, and disseminating scientific and technological information by the Director of the National Science Foundation and the head of such other agency or agencies as the Director of the Office of Management and Budget may designate after appropriate consultation;

(2) Those with respect to programs of culture and educational development, health, nutrition, and sanitation by the Director of the International Communication Agency,¹ the Department of State, and the head of any other appropriate agency;

(3) All others by such agency or agencies as the Director of the Office of Management and Budget may designate after appropriate consultation.

(4) The term "appropriate consultation" shall include consultation with the Secretary of State, the Director of the National Science Foundation, and the head of any other appropriate agency.

(e) Those under paragraph (b)(4) by the Department of State and any other agency or agencies designated by the Secretary of State.

(f) Those under paragraph (b)(5) by the Librarian of Congress.

(g) Those under paragraphs (d), (e), (f), (g), and (h) by the United States International Development Cooperation Agency.

(h) Those under paragraph (j) by the Department of the Treasury in consultation with the Department of State.

1-405. The functions vested in the President by Section 104 of the Act (7 U.S.C. 1704) are delegated as follows:

(a) Those under paragraph (f) of determining the manner in which the loans provided for in that paragraph shall be made to the Director of the United States International Development Cooperation Agency.

(b) Those under paragraph (j) of prescribing terms and conditions to the Secretary of the Treasury in consultation with the Secretary of State.

1-406. In negotiating international agreements pursuant to the Act, the Secretary of State shall avoid restrictions which would limit the application of normal budgetary and appropriation controls to the use of foreign currencies accruing under Title I of the Act (7 U.S.C. 1701, *et seq.*) which are available for operations of the United States Government.

1-5. Revocations.

1-501. Executive Order No. 10900 of January 5, 1961, as amended, is revoked.

1-502. The following Executive Orders which have previously been superseded, at least in part, are revoked:

(a) Executive Order No. 10560 of September 9, 1954;

(b) Executive Order No. 10685 of October 27, 1956;

¹ EDITORIAL NOTE: Redesignated as the United States Information Agency by Pub. L. 87-241 (96 Stat. 273, 22 U.S.C. 1461 nt.).

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- (c) Executive Order No. 10708 of May 6, 1957;
- (d) Executive Order No. 10746 of December 12, 1957;
- (e) Executive Order No. 10799 of January 15, 1959;
- (f) Executive Order No. 10827 of June 25, 1959;
- (g) Executive Order No. 10884 of August 17, 1960; and
- (h) Executive Order No. 10893, as amended, except Section 201 thereof.

Executive Order 12224—Implementation of the International Sugar Agreement

SOURCE: The provisions of Executive Order 12224 of July 1, 1980, appear at 45 FR 45243, 3 CFR, 1980 Comp., p. 269, unless otherwise noted.

By the authority vested in me as President of the United States of America by an Act providing for the Implementation of the International Sugar Agreement, 1977, and for Other Purposes (P.L. 96-236, 94 Stat. 336) and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. The functions vested in the President by Public Law 96-236 (94 Stat. 336) are delegated to the United States Trade Representative.

1-102. In carrying out the functions delegated to him, the United States Trade Representative shall consult with the Secretary of Agriculture and the Secretary of State. The United States Trade Representative may, with the consent of the head of another Executive agency, redelegate some or all of those functions to the head of such agency.

1-103. This Order is effective July 1, 1980.

Executive Order 12260—Agreement on Government Procurement

SOURCE: The provisions of Executive Order 12260 of Dec. 31, 1980, appear at 46 FR 1653, 3 CFR, 1980 Comp., p. 311, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511-2518), and Section 301 of Title 3 of the United States Code, and in order to implement the Agreement on Government Procurement, as defined in 19 U.S.C. 2518(1), it is hereby ordered as follows:

1-1. Responsibilities.

1-101. The obligations of the Agreement on Government Procurement (Agreement on Government Procurement, General Agreement on Tariffs and Trade, 12 April 1979, Geneva (GATT 1979)) apply to any procurement of eligible products by the Executive agencies listed in the Annex to this Order (eligible products are defined in Section 308 of the Trade Agreements Act of 1979; 19 U.S.C. 2518(4)). Such procurement shall be in accord with the policies and procedures of the Office of Federal Procurement Policy (41 U.S.C. 401 *et seq.*).

1-102. The United States Trade Representative, hereinafter referred to as the Trade Representative, shall be responsible for interpretation of the Agreement. The Trade Representative shall seek the advice of the interagency organization established under Section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) and consult with affected

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Executive agencies, including the Office of Federal Procurement Policy.

1-103. The interpretation of Article VIII:1 of the Agreement shall be subject to the concurrence of the Secretary of Defense.

1-104. The Trade Representative shall determine, from time to time, the dollar equivalent of 150,000 Special Drawing Right units and shall publish that determination in the FEDERAL REGISTER. Procurement of less than 150,000 Special Drawing Right units is not subject to the Agreement or this Order (Article I:1(b) of the Agreement).

1-105. In order to ensure coordination of international trade policy with regard to the implementation of the Agreement, agencies shall consult in advance with the Trade Representative about negotiations with foreign governments or instrumentalities which concern government procurement.

1-2. Delegations and Authorization.

1-201. The functions vested in the President by Sections 301, 302, 304, 305(c) and 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2511, 2512, 2514, 2515(c) and 2516) are delegated to the Trade Representative.

1-202. Notwithstanding the delegation in Section 1-201, the Secretary of Defense is authorized, in accord with Section 302(b)(3) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(b)(3)), to waive the prohibitions specified therein.

ANNEX

1. ACTION

2. Administrative Conference of the United States
3. American Battle Monuments Commission
4. Board for International Broadcasting
5. Civil Aeronautics Board¹
6. Commission on Civil Rights
7. Commodity Futures Trading Commission
8. Consumer Product Safety Commission
9. Department of Agriculture (The Agreement on Government Procurement does not apply to procurement of agricultural products made in furtherance of agricultural support programs or human feeding programs)
10. Department of Commerce
11. Department of Defense (Excludes Corps of Engineers)
12. Department of Education
13. Department of Health and Human Services
14. Department of Housing and Urban Development
15. Department of the Interior (Excludes the Bureau of Reclamation²)
16. Department of Justice
17. Department of Labor
18. Department of State
19. Department of the Treasury

¹ EDITORIAL NOTE: The functions of the Civil Aeronautics Board were terminated or transferred to the Department of Transportation, Department of Justice, and the United States Postal Service by Pub. L. 95-504 (92 Stat. 1705, 49 U.S.C. 1551) effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

² EDITORIAL NOTE: Redesignated as the Water and Power Resources Service by Secretarial Order No. 3042 of Nov. 6, 1979.

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20. Environmental Protection Agency
21. Equal Employment Opportunity Commission
22. Executive Office of the President
23. Export-Import Bank of the United States
24. Farm Credit Administration
25. Federal Communications Commission
26. Federal Deposit Insurance Corporation
27. Federal Home Loan Bank Board
28. Federal Maritime Commission
29. Federal Mediation and Conciliation Service
30. Federal Trade Commission
31. General Services Administration (Purchases by the Tools Commodity Center, and the Region ⁹ Office in San Francisco, California are not included)
32. Interstate Commerce Commission
33. Merit Systems Protection Board
34. National Aeronautics and Space Administration
35. National Credit Union Administration
36. National Labor Relations Board
37. National Mediation Board
38. National Science Foundation
39. National Transportation Safety Board
40. Nuclear Regulatory Commission
41. Office of Personnel Management
42. Overseas Private Investment Corporation
43. Panama Canal Commission
44. Railroad Retirement Board
45. Securities and Exchange Commission
46. Selective Service System
47. Smithsonian Institution
48. United States Arms Control and Disarmament Agency
49. United States Information Agency
50. United States International Development Cooperation Agency
51. United States International Trade Commission
52. Veterans Administration
53. Maritime Administration of the Department of Transportation
54. The Peace Corps

[Annex amended by EO 12347 of Feb. 23, 1982, 47 FR 8149, 3 CFR, 1982 Comp., p. 133; EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225; EO 12474 of Apr. 17, 1984, 49 FR 15539, 3 CFR, 1984 Comp., p. 202]

Executive Order 12282—Revocation of prohibitions against transactions involving Iran

SOURCE: The provisions of Executive Order 12282 of Jan. 19, 1981, appear at 46 FR 7925, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergen-

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cy in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostage and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The prohibitions contained in Executive Order 12205 of April 7, 1980, and Executive Order 12211 of April 17, 1980, and Proclamation 4702 of November 12, 1979, are hereby revoked.

1-102. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purpose of this Order.

1-103. This Order shall be effective immediately.

Executive Order 12451—Continuation of export control regulations

SOURCE: The provisions of Executive Order 12451 of Dec. 20, 1983, appear at 48 FR 56563, 3 CFR, 1983 Comp., p. 223, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

SECTION 1. In view of the extension by Public Law 98-207 (December 5, 1983), of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

SEC. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980.

SEC. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e))

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shall remain in full force and effect until amended or revoked under proper authority.

SEC. 4. This Order shall take effect immediately.

Executive Order 12469—East-West foreign trade report

SOURCE: The provisions of Executive Order 12469 of Mar. 26, 1984, appear at 49 FR 11799, 3 CFR, 1984 Comp., p. 167, unless otherwise noted.

By the authority vested in me as President by the Constitution and the statutes of the United States of America, including section 301 of Title 3 of the United States Code (3 U.S.C. 301), and section 411(c) of the Trade Act of 1974 (19 U.S.C. 2441(c)), in order to provide for more efficient reporting to the Congress, it is hereby ordered as follows:

SECTION 1. The reporting functions of the East-West Foreign Trade Board under section 411(c) of the Trade Act of 1974 (19 U.S.C. 2441(c)), as transferred to the President by section 5(c) of Reorganization Plan No. 3 of 1979 (19 U.S.C. 2171 note), are delegated to the United States Trade Representative.

SEC. 2. This order is effective upon publication in the FEDERAL REGISTER.¹

Executive Order 12475—Textile import program implementation

SOURCE: The provisions of Executive Order 12475 of May 9, 1984, appear at 49 FR 19955, 3 CFR, 1984 Comp., p. 203, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 204 of the Agricultural Act of 1956, as amended (76 Stat. 104, 7 U.S.C. 1854), and Section 301 of Title 3 of the United States Code, and in order to prevent circumvention or frustration of multilateral and bilateral agreements to which the United States is a party and to facilitate efficient and equitable administration of the United States Textile Import Program, it is hereby ordered as follows:

SECTION 1. (a) In accordance with policy guidance provided by the Committee for the Implementation of Textile Agreements (CITA), through its Chairman, in accordance with the provisions of Executive Order No. 11651, as amended, the Secretary of the Treasury shall issue regulations governing the entry or withdrawal from warehouse for consumption of textiles and textile products subject to Section 204 of the Act.

(b) Initial regulations promulgated under this section shall be promulgated no later than 120 days after the effective date of this order.

(c) To the extent necessary to implement more effectively the United States textile program under Section 204, such regulations shall include:

(i) clarifications in, or revisions to, the country of origin rules for textiles and textile products subject to Section 204 in order to avoid circumvention of multilateral and bilateral textile agreements;

(ii) provisions governing withdrawals from a customs bonded warehouse of articles subject to this Order transformed, changed or manipu-

¹ EDITORIAL NOTE: Published in the FEDERAL REGISTER of Mar. 28, 1984.

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lated in a warehouse after importation but prior to withdrawal for consumption; and

(iii) any other provisions determined to be necessary for the effective and equitable administration of the Textile Import Program.

(d) Any such regulations may also include provisions requiring importers to provide additional information and/or documentation on articles subject to this order which are determined to be necessary for the effective and equitable administration of the Textile Import Program.

SEC. 2. (a) The Commissioner of Customs shall establish Textile and Apparel Task Force (the Task Force) within the United States Customs Service to coordinate enforcement of regulations concerning importation under the Textile Import Program.

(b) CITA, through its Chairman, shall, in accordance with the provisions of Executive Order No. 11651, as amended, provide information and recommendations to the Task Force, through the Department of the Treasury, on implementation and administration of the Textile Import Program.

(c) The Department of Treasury shall, to the extent practicable, inform the Chairman of CITA of the progress of all investigations concerning textile imports; provide notice to CITA of all requests for rulings on matters that could reasonably be expected to affect the implementation of the Textile Import Program; and take into consideration any comments on such requests that CITA, through its Chairman, timely submits.

SEC. 3. This order supplements, but does not supersede or amend, Executive Order No. 11651 of March 3, 1972, as amended.

SEC. 4. This order shall be effective upon its publication in the FEDERAL REGISTER.¹

Executive Order 12504—Protection of semiconductor chip products

SOURCE: The provisions of Executive Order 12504 of Jan. 31, 1985, appear at 50 FR 4849, 3 CFR, 1985 Comp., p. 335, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Semiconductor Chip Protection Act of 1984 (17 U.S.C. 901 *et seq.*) and in order to provide for the orderly implementation of that Act, it is hereby ordered that, subject to the authority of the Director of the Office of Management and Budget under Executive Order No. 11030, as amended, requests for issuance by the President of a proclamation extending the protection of Chapter 9 of title 17 of the United States Code against unauthorized duplication of semiconductor chip products to foreign nationals, domiciliaries, and sovereign authorities shall be presented to the President through the Secretary of Commerce in accordance with such regulations as the Secretary may, after consultation with the Secretary of State, prescribe and cause to be published in the FEDERAL REGISTER.

¹ EDITORIAL NOTE: Published in the FEDERAL REGISTER of May 11, 1984.

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Executive Order 12513—Prohibiting trade and certain other transactions involving Nicaragua

SOURCE: The provisions of Executive Order 12513 of May 1, 1985, appear at 50 FR 18629, 3 CFR, 1985 Comp., p. 342, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), chapter 12 of Title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of Title 3 of the United States Code,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat.

I hereby prohibit all imports into the United States of goods and services of Nicaraguan origin; all exports from the United States of goods to or destined for Nicaragua, except those destined for the organized democratic resistance, and transactions relating thereto.

I hereby prohibit Nicaraguan air carriers from engaging in air transportation to or from points in the United States, and transactions relating thereto.

In addition, I hereby prohibit vessels of Nicaraguan registry from entering into United States ports, and transactions relating thereto.

The Secretary of the Treasury is delegated and authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the purposes of this Order.

The prohibitions set forth in this Order shall be effective as of 12:01 a.m., Eastern Daylight Time, May 7, 1985, and shall be transmitted to the Congress and published in the FEDERAL REGISTER.

EDITORIAL NOTE: The national emergency declared in Executive Order 12513 was continued by Presidential Notices of Apr. 22, 1986, 51 FR 15461, 3 CFR, 1986 Comp., p. 259; Apr. 21, 1987, 52 FR 13425, 3 CFR, 1987 Comp., p. 297; and Apr. 25, 1988, 53 FR 15011, 3 CFR, 1988 Comp., p. 634.

Executive Order 12525—Termination of emergency authority for export controls

SOURCE: The provisions of Executive Order 12525 of July 12, 1985, appear at 50 FR 28757, 3 CFR, 1985 Comp., p. 377, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

SECTION 1. In view of the extension by Public Law 99-64 (July 12, 1985) of the authorities contained in the Act, Executive Order No. 12470 of March 30, 1984, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

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SEC. 2. The revocation of Executive Order No. 12470 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, and Executive Order No. 12214 of May 2, 1980.

SEC. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12470 relating to the administration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

SEC. 4. This Order shall take effect immediately.

Executive Order 12532—Prohibiting trade and certain other transactions involving South Africa

SOURCE: The provisions of Executive Order 12532 of Sept. 9, 1985, appear at 50 FR 8861, 3 CFR, 1985 Comp., p. 387, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Foreign Assistance Act (22 U.S.C. 2151 *et seq.*), the United Nations Participation Act (22 U.S.C. 287), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), the Export Administration Act (50 U.S.C. App. 2401 *et seq.*), the Atomic Energy Act (42 U.S.C. 2011 *et seq.*), the Foreign Service Act (22 U.S.C. 3901 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, and considering the measures which the United Nations Security Council has decided on or recommended in Security Council Resolutions No. 418 of November 4, 1977, No. 558 of December 13, 1984, and No. 569 of July 26, 1985, and considering that the policy and practice of apartheid are repugnant to the moral and political values of democratic and free societies and run counter to United States policies to promote democratic governments throughout the world and respect for human rights, and the policy of the United States to influence peaceful change in South Africa, as well as the threat posed to United States interests by recent events in that country,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of South Africa constitute an unusual and extraordinary threat to the foreign policy and

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economy of the United States and hereby declare a national emergency to deal with that threat.

SECTION 1. Except as otherwise provided in this section, the following transactions are prohibited effective October 11, 1985:

(a) The making or approval of any loans by financial institutions in the United States to the Government of South Africa or to entities owned or controlled by that Government. This prohibition shall enter into force on November 11, 1985. It shall not apply to (i) any loan or extension of credit for any educational, housing, or health facility which is available to all persons on a nondiscriminatory basis and which is located in a geographic area accessible to all population groups without any legal or administrative restriction; or (ii) any loan or extension of credit for which an agreement is entered into before the date of this Order.

The Secretary of the Treasury is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection. The initial rules and regulations shall be issued within sixty days. The Secretary of the Treasury may, in consultation with the Secretary of State, permit exceptions to this prohibition only if the Secretary of the Treasury determines that the loan or extension of credit will improve the welfare or expand the economic opportunities of persons in South Africa disadvantaged by the apartheid system, provided that no exception may be made for any apartheid enforcing entity.

(b) All exports of computers, computer software, or goods or technology intended to service computers to or for use by any of the following entities of the Government of South Africa:

- (1) The military;
- (2) The police;
- (3) The prison system;
- (4) The national security agencies;
- (5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research;
- (6) The administering authorities for the black passbook and similar controls;
- (7) Any apartheid enforcing agency;
- (8) Any local or regional government or "homeland" entity which performs any function of any entity described in paragraphs (1) through (7).

The Secretary of Commerce is hereby authorized to promulgate such rules and regulations as may be necessary to carry out this subsection and to implement a system of end use verification to ensure that any computers exported directly or indirectly to South Africa will not be used by any entity set forth in this subsection.

(c)(1) Issuance of any license for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility; any authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa; any license for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and any approval of retransfers to South Africa of any goods, technology, special nuclear material, components, items,

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or substances described in this section. The Secretaries of State, Energy, Commerce, and Treasury are hereby authorized to take such actions as may be necessary to carry out this subsection.

(2) Nothing in this section shall preclude assistance for International Atomic Energy Agency safeguards or IAEA programs generally available to its member states, or for technical programs for the purpose of reducing proliferation risks, such as for reducing the use of highly enriched uranium and activities envisaged by section 223 of the Nuclear Waste Policy Act (42 U.S.C. 10203) or for exports which the Secretary of State determines are necessary for humanitarian reasons to protect the public health and safety.

(d) The import into the United States of any arms, ammunition, or military vehicles produced in South Africa or of any manufacturing data for such articles. The Secretaries of State, Treasury, and Defense are hereby authorized to take such actions as may be necessary to carry out this subsection.

SEC. 2. (a) The majority of United States firms in South Africa have voluntarily adhered to fair labor principles which have benefited those in South Africa who have been disadvantaged by the apartheid system. It is the policy of the United States to encourage strongly all United States firms in South Africa to follow this commendable example.

(b) Accordingly, no department or agency of the United States may intercede after December 31, 1985, with any foreign government regarding the export marketing activity in any country of any national of the United States employing more than 25 individuals in South Africa who does not adhere to the principles stated in subsection (c) with respect to that national's operations in South Africa. The Secretary of State shall promulgate regulations to further define the employers that will be subject to the requirements of this subsection and procedures to ensure that such nationals may register that they have adhered to the principles.

(c) The principles referred to in subsection (b) are as follows:

- (1) Desegregating the races in each employment facility;
- (2) Providing equal employment opportunity for all employees without regard to race or ethnic origin;
- (3) Assuring that the pay system is applied to all employees without regard to race or ethnic origin;
- (4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;
- (5) Increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;
- (6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health;
- (7) Implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

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(d) United States nationals referred to in subsection (b) are encouraged to take reasonable measures to extend the scope of their influence on activities outside the workplace, by measures such as supporting the right of all businesses, regardless of the racial character of their owners or employees, to locate in urban areas, by influencing other companies in South Africa to follow the standards specified in subsection (c) and by supporting the freedom of mobility of all workers, regardless of race, to seek employment opportunities wherever they exist, and by making provision for adequate housing for families of employees within the proximity of the employee's place of work.

SEC. 3. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices described in section (2)(c) are applied to their South African employees.

SEC. 4. The Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable and to the extent permitted by law, in procuring goods or services in South Africa, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by persons in South Africa disadvantaged by the apartheid system.

SEC. 5. (a) The Secretary of State and the United States Trade Representative are directed to consult with other parties to the General Agreement on Tariffs and Trade with a view toward adopting a prohibition on the import of Krugerrands.

(b) The Secretary of the Treasury is directed to conduct a study to be completed within sixty days regarding the feasibility of minting and issuing gold coins with a view toward expeditiously seeking legislative authority to accomplish the goal of issuing such coins.

SEC. 6. In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

SEC. 7. The Secretary of State shall establish, pursuant to appropriate legal authority, an Advisory Committee on South Africa to provide recommendations on measures to encourage peaceful change in South Africa. The Advisory Committee shall provide its initial report within twelve months.

SEC. 8. The Secretary of State is directed to take the steps necessary pursuant to the Foreign Assistance Act and related legislation to (a) increase the amount of internal scholarships provided to South Africans disadvantaged by the apartheid system up to \$8 million from funds made available for Fiscal Year 1986, and (b) increase the amount allocated for South Africa from funds made available for Fiscal Year 1986 in the Human Rights Fund up to \$1.5 million. At least one-third of the latter amount shall be used for legal assistance for South Africans. Appropriate increases in the amounts made available for these purposes will be considered in future fiscal years.

SEC. 9. This Order is intended to express and implement the foreign policy of the United States. It is not intended to create any right or

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benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Executive Order 12543—Prohibiting trade and certain transactions involving Libya

SOURCE: The provisions of Executive Order 12543 of Jan. 7, 1986, appear at 51 FR 873, 3 CFR, 1986 Comp., p. 181, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergency Act (50 U.S.C. 1601 *et seq.*), sections 504 and 505 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), and section 301 of title 3 of the United States Code,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of Libya constitute an unusual and extraordinary threat to the hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The import into the United States of any goods or services of Libyan origin, other than publications and materials imported for news publications or news broadcast dissemination;

(b) The export to Libya of any goods, technology (including technical data or other information) or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes;

(c) Any transaction by a United States person relating to transportation to or from Libya; the provision of transportation to or from the United States by any Libyan person or any vessel or aircraft of Libyan registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Libya;

(d) The purchase by any United States person of goods for export from Libya to any country;

(e) The performance by any United States person of any contract in support of an industrial or other commercial or governmental project in Libya;

(f) The grant or extension of credits or loans by any United States person to the Government of Libya, its instrumentalities and controlled entities;

(g) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Libya, or to activities by any such person within Libya, after the date of this Order, other than transactions necessary to effect such person's departure from Libya, to perform acts permitted until February 1, 1986, by Section 3 of this Order, or travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization; and

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(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

For purposes of this Order, the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States or any person in the United States.

SEC. 2. In light of the prohibition in Section 1(a) of this Order, section 251 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1881), and section 126 of the Trade Act of 1974, as amended (19 U.S.C. 2136) will have no effect with respect to Libya.

SEC. 3. This Order is effective immediately, except that the Prohibitions set forth in Section 1(a), (b), (c), (d) and (e) shall apply as of 12:01 a.m. Eastern Standard Time, February 1, 1986.

SEC. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this Order. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Libya, its instrumentalities and controlled entities, or to any Libyan national or entity owned or controlled, directly or indirectly, by Libya or Libyan nationals. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government. All agencies of the United States government are directed to take all appropriate measures within their authority to carry out the provisions of this Order, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

This Order shall be transmitted to the Congress and published in the FEDERAL REGISTER.

Executive Order 12613—Prohibiting imports from Iran

SOURCE: The provisions of Executive Order 12613 of Oct. 29, 1987, appear at 52 FR 41940, 3 CFR, 1987 Comp., p. 256, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9), and section 301 of Title 3 of the United States Code:

I, RONALD REAGAN, President of the United States of America, find that the Government of Iran is actively supporting terrorism as an instrument of state policy. In addition, Iran has conducted aggressive and unlawful military action against U.S.-flag vessels and merchant vessels of other non-belligerent nations engaged in lawful and peaceful commerce in international waters of the Persian Gulf and territorial waters of non-belligerent nations of that region. To ensure that United States imports of Iranian goods and services will not contribute financial support to terrorism or to further aggressive actions against non-belligerent shipping, I hereby order that:

SECTION 1. Except as otherwise provided in regulations issued pursuant to this Order, no goods or services of Iranian origin may be imported.

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ed into the United States, including its territories and possessions, after the effective date of this Order.

SEC. 2. The prohibition contained in Section 1 shall not apply to:

(a) Iranian-origin publications and materials imported for news publications or news broadcast dissemination;

(b) petroleum products refined from Iranian crude oil in a third country;

(c) articles imported directly from Iran into the United States that were exported from Iran prior to the effective date of this Order.

SEC. 3. This Order shall take effect at 12:01 p.m. Eastern Standard Time on October 29, 1987, except as otherwise provided in regulations issued pursuant to this Order.

SEC. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this Order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the Federal Government. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this Order, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

SEC. 5. The measures taken pursuant to this Order are in response to the actions of the Government of Iran referred to above, occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those actions.

This Order shall be transmitted to the Congress and published in the FEDERAL REGISTER.

Executive Order 12635—Prohibiting certain transactions with respect to Panama

SOURCE: The provisions of Executive Order 12635 of April 8, 1986, appear at 53 FR 12134, 3 CFR, 1988 Comp., p. 563, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions in Panama of Manuel Antonio Noriega and Manuel Solis Palma constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency to deal with that threat.

SECTION 1. I hereby order blocked all property and interests in property of the Government of Panama that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of persons located within the United States. For purposes of this Order, the Government of Panama is defined to include its agencies, instrumentalities and controlled entities, including the Banco Nacional de Panama and the Caja de Ahorros.

SEC. 2. Except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

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(a) Any direct or indirect payments or transfers from the United States to the Noriega/Solis regime of funds, including currency, cash or coins of any nation, or of other financial or investment assets or credits are prohibited. All transfers, or payments owed, to the Government of Panama shall be made into an account at the Federal Reserve Bank of New York, to be held for the benefit of the Panamanian people. For purposes of this Order, the term "Noriega/Solis regime" shall mean Manuel Antonio Noriega, Manuel Solis Palma, and any agencies, instrumentalities or entities purporting to act on their behalf or under their asserted authority.

(b) Any direct or indirect payments or transfers to the Noriega/Solis regime of funds, including currency, cash or coins of any nation, or of other financial or investment assets or credits, by any United States person located in the territory of Panama, or by any person organized under the laws of Panama and owned or controlled by a United States person, are prohibited. All transfers, or payments owed, to the Government of Panama by such persons shall be made into an account at the Federal Reserve Bank of New York, to be held for the benefit of the Panamanian people. For purposes of Section 2(b), "United States person" is defined to mean any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.

SEC. 3. Sections 1 and 2 shall not be deemed to block property or interests in property of the Government of Panama, including, but not limited to, accounts established at the Federal Reserve Bank of New York as described in section 2, with respect to which transactions are authorized by, or on behalf of, the recognized representative of the Government of Panama as certified by the Secretary of State, or are otherwise authorized in regulations which may hereafter be issued pursuant to this Order. Section 2 shall not be deemed to prohibit interbank clearing payments.

SEC. 4. The measures taken pursuant to this Order are intended to extend the effectiveness of actions initiated in cooperation with the Government of Panama and its President, Eric Arturo Delvalle, and are not intended to block private Panamanian assets subject to the jurisdiction of the United States or to prohibit remittances by United States persons to Panamanian persons other than the Noriega/Solis regime.

SEC. 5. This Order shall take effect at 4:00 p.m. Eastern Daylight Time on April 8, 1988, except as otherwise provided in regulations issued pursuant to this Order.

SEC. 6. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by the International Emergency Economic Powers Act, as may be necessary to carry out the purposes of this Order. The Secretary of the Treasury may redelegate any of these functions to other officers or agencies of the Federal Government.

SEC. 7. Nothing contained in this Order shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies or its officers, or the Federal Reserve Bank of New York or its officers.

This Order shall be transmitted to the Congress and published in the FEDERAL REGISTER.

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Executive Order 12661—Implementing the Omnibus Trade and Competitiveness Act of 1988 and related international trade matters

SOURCE: The provisions of Executive Order 12661 of Dec. 27, 1988, appear at 54 FR 779, 3 CFR, 1988 Comp., p. 618, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418, 102 Stat. 1107) ("Omnibus Trade Act"), the Tariff Act of 1930 (Chapter 497, 46 Stat. 590, June 17, 1930), as amended ("Tariff Act"), the National Defense Authorization Act, Fiscal Year 1989 (P.L. 100-456, 102 Stat. 1918) ("Defense Authorization Act"), section 301 of Title 3 of the United States Code, and, in general, to ensure that the international trade policy of the United States shall be conducted and administered in a way that achieves the economic, foreign policy, and national security objectives of the United States and in a coordinated manner under the direction of the President, it is hereby ordered as follows:

PART I—TRADE, CUSTOMS, AND TARIFF LAWS

SECTION 1-101. *Accession of State Trading Regimes to the General Agreement on Tariffs and Trade.* The functions vested in the President by sections 1106(a), (b) and (d) of the Omnibus Trade Act, regarding the accession of state trading regimes to the General Agreement on Tariffs and Trade, are delegated to the United States Trade Representative.

SEC. 1-201. *Wine Barriers.* The functions vested in the President by section 1125 of the Omnibus Trade Act, regarding the updated report on barriers to wine trade, are delegated to the United States Trade Representative.

SEC. 1-301. *Steel Imports.* The functions vested in the President by section 805(d)(1) and (2) of the Trade and Tariff Act of 1984 (19 U.S.C. 2253, note), as amended by section 1322 of the Omnibus Trade Act, are delegated to the United States Trade Representative.

SEC. 1-401. *Telecommunications Trade.* The functions vested in the President by sections 1375 and 1376(e) of the Omnibus Trade Act, regarding certain telecommunications negotiations as may be ordered by the President and reports thereon to Congressional Committees, are delegated to the United States Trade Representative.

SEC. 1-501. *Uniform Fee on Imports.* The functions vested in the President by section 1428 of the Omnibus Trade Act, regarding negotiations to obtain authority under the General Agreement on Tariffs and Trade to impose a small uniform fee on imports, are delegated to the United States Trade Representative.

PART II—EXPORT ENFORCEMENT

SEC. 2-101. *Countertrade and Barter.*

(1) *Establishment.* There is established an Interagency Group on Countertrade, which shall be composed of the Secretaries of Commerce, State, Defense, Treasury, Labor, Agriculture, and Energy, the Attorney General, the Administrator of the Agency for International Development, the Director of the Federal Emergency Management

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Agency, the United States Trade Representative and the Director of the Office of Management and Budget, or their respective representatives. The Secretary of Commerce or his representative shall be the Chairman of the interagency group.

(2) *Functions.* The interagency group shall carry out the functions and duties set out in section 2205(a) of the Omnibus Trade Act.

SEC. 2-201. *Sanctions Against Toshiba and Kongsberg.*

(1) *Procurement Sanctions.* Pursuant to section 2443 of the Omnibus Trade Act and subject to the exceptions referred to in paragraph (3), departments, agencies and instrumentalities of the United States Government shall not for the three-year period beginning on the date this Order takes effect, contract with or procure products and services from Toshiba Machine Company, Kongsberg Trading Company, Toshiba Corporation or Kongsberg Vaapenfabrikk. The head of each department, agency or instrumentality is hereby directed and authorized to implement this procurement sanction in accordance with paragraph (3).

(2) *Import Sanctions.* Pursuant to section 2443 of the Omnibus Trade Act and subject to the exceptions referred to in paragraph (3), importation into the United States, its territories and possessions, of products produced by Toshiba Machine Company or Kongsberg Trading Company is prohibited for three years from the effective date of this Order. The Secretary of the Treasury is hereby directed and authorized to implement this import sanction in accordance with paragraph (3).

(3) *Exceptions.* Authority to make determinations as to exceptions to sanctions and to implement exceptions by regulation or otherwise is delegated (i) to the Secretary of Defense with respect to determinations under section 2443(c)(1) regarding the procurement of defense articles or defense services, (ii) to the Secretary of the Treasury with respect to exceptions under section 2443(c)(2) regarding importation prohibited by section 2443(a)(2), and (iii) to the head of each Federal department, agency or instrumentality with respect to exceptions under section 2443(c)(2) affecting their respective contracting and procurement. All regulations implementing these exceptions provisions shall be consistent with any guidelines provided by the Office of Federal Procurement Policy, Office of Management and Budget.

(4) *Annual Report.* The annual report required by section 2445, concerning estimated increases in defense expenditures arising from illegal technology transfers, shall be prepared by the Secretary of Defense, in consultation with the Secretaries of State and Commerce, for submission to the Congress by the President.

PART III—FOREIGN CORRUPT PRACTICES AMENDMENTS; INVESTMENT; AND TECHNOLOGY

SEC. 3-101. *Foreign Corrupt Practices Act Amendments.* The functions conferred upon the President by section 5003(d)(1) ("International Agreement") of the Omnibus Trade Act are delegated to the Secretary of State, who in performing such functions shall act in consultation with the Attorney General, the United States Trade Representative, the Chairman of the Securities and Exchange Commission, the Secretary of Commerce, the Secretary of the Treasury and the Director of the Office of Management and Budget.

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SEC. 3-201. *Authority to Review Certain Mergers, Acquisitions, and Takeovers.*

[Sec. 3-201 amends EO 11858 of May 7, 1975, Chapter 31, p. 514. The amendments have been incorporated into that order.]

SEC. 3-301. *Reporting Requirement on Semiconductors, Fiber Optics and Superconducting Materials.*

(1) The Secretary of Commerce, in consultation with the Director of the Office of Science and Technology Policy, the Secretary of Defense, and the Director of the Office of Management and Budget, shall prepare for the President to submit to the Congress with the Fiscal Year 1990 budget a report describing policies and budget proposals regarding:

(A) Federal research in semiconductors and semiconductor manufacturing technology, including a discussion of the respective roles of the various Federal departments and agencies in such research;

(B) Federal research and acquisition policies for fiber optics and optical-electronic technologies generally;

(C) Superconducting materials, including descriptions of research priorities, the scientific and technical barriers to commercialization which such research is designed to overcome, steps taken to ensure coordination among Federal agencies conducting research on superconducting materials, and steps taken to consult with private United States industry to ensure that no unnecessary duplication of research exists and that all important scientific and technical barriers to the commercialization of superconducting materials will be addressed; and

(D) Federal research to assist United States industry to develop and apply advanced manufacturing technologies for the production of durable and nondurable goods.

(2) The Department of Defense, the Department of Energy, the National Science Foundation, the National Aeronautics and Space Administration, the Department of State, the United States Trade Representative, and other Federal agencies deemed appropriate by the Secretary of Commerce shall provide the information described in section 5141 of the Omnibus Trade Act concerning their Fiscal Year 1989 program and proposed Fiscal Year 1990 program to the Secretary of Commerce in sufficient time to permit preparation of the report.

(3) The Office of Management and Budget shall provide to the Secretary of Commerce, in sufficient time to permit preparation of the report, a summary of the Federal base program, and Fiscal Year 1990 budget initiatives in each of the technical areas of the report.

(4) The Office of Science and Technology Policy ("OSTP") shall provide the Secretary of Commerce with appropriate policy guidance in the technical areas of the report, including a summary of the criteria used to select research projects within an agency and among agencies, and the results of any studies conducted by OSTP, or by others if OSTP deems them to be relevant, which analyze the influence of the Federal research programs in the technical areas of the report.

SEC. 3-401. *A National Commission on Superconductivity.*

(1) *Establishment.* There is established a National Commission on Superconductivity ("Commission"). The Commission shall consider major policy issues regarding United States applications of recent research advances in superconductors including research and development prior-

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ities, the development of which will assure United States leadership in the development and application of superconducting technologies.

(2) *Membership.* The membership of the Commission shall be not more than 24 individuals appointed by the President and include representatives of:

(A) The National Critical Materials Council, the National Academy of Sciences, the National Academy of Engineering, the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the Department of Justice, the Department of Commerce (including the National Institute of Standards and Technology), the Department of Transportation, the Department of the Treasury, the Department of Defense, and the Office of Management and Budget;

(B) Organizations whose membership is comprised of physicists, engineers, chemical scientists, or material scientists; and

(C) Industries, universities, and national laboratories engaged in superconductivity research.

(3) *Chairman.* A representative of the private sector shall be designated by the President as Chairman of the Commission.

(4) *Coordination.* The National Critical Materials Council shall be the coordinating body of the Commission and shall provide staff support for the Commission.

(5) *Report.* By February 23, 1989, the Commission shall submit a report to the President and the Congress with recommendations regarding methods of enhancing the research, development, and implementation of improved superconductor technologies in all major applications.

(6) *Scope of Review.* In preparing the report required by subsection (5), the Commission shall consider addressing, but need not limit its review to:

(A) The state of United States competitiveness in the development of improved superconductors;

(B) Methods to improve and coordinate the collection and dissemination of research data relating to superconductivity;

(C) Methods to improve and coordinate funding of research and development of improved superconductors;

(D) Methods to improve and coordinate the development of viable commercial and military applications of improved superconductors;

(E) Foreign government activities designed to promote research, development, and commercial application of improved superconductors;

(F) The need to provide increased Federal funding of research and development of improved superconductors;

(G) The impact on the United States national security if the United States must rely on foreign producers of superconductors;

(H) The benefit, if any, of granting private companies partial exemptions from United States antitrust laws to allow them to coordinate research, development, and products containing improved superconductors;

(I) Options for providing income tax incentives for encouraging research, development, and production in the United States of products containing improved superconductors; and

(J) Methods to strengthen domestic patent and trademark laws to ensure that qualified superconductivity discoveries receive the fullest protection from infringement.

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(7) *Termination.* The Commission shall disband within a year of the date of this Order. Thereafter the National Critical Materials Council may review and update the report required by subsection (5) and make further recommendations as it deems appropriate.

PART IV—EDUCATION AND TRAINING FOR AMERICAN COMPETITIVENESS

SEC. 4-101. *Buy American Act of 1988.*

(1) The functions vested in the President by section 7002 of the Omnibus Trade Act, regarding section 4(d) of Title III of the Buy American Act of 1933, as amended (41 U.S.C. 10a-10d), are delegated to the Secretary of Defense.

(2) The functions vested in the President by section 7003 of the Omnibus Trade Act, regarding the annual report required by subsection (d) of section 305 of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515), are delegated to the United States Trade Representative.

PART V—MISCELLANEOUS

SEC. 5-101. *Executive Oversight.*

Any actions or determinations taken or made by an officer or agency under the Omnibus Trade Act or this Order shall be subject to the Executive oversight and direction of the President, and such actions or determinations shall be undertaken after appropriate inter-agency consultation as established by the President.

SEC. 5-102. *Regulatory Review.* Notwithstanding the provisions of section 1(a)(2) of Executive Order No. 12291 of February 17, 1981, the Director of the Office of Management and Budget shall, with regard to regulations, rules, or agency statements of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency relative to the administration of the Export Administration Act, determine whether such regulations, rules, or agency statements are exempted from review under that Order, pursuant to the provisions of section 8(b) thereof.

SEC. 5-201. *Offsets.* The negotiating functions under section 825(c) of the Defense Authorization Act, as may be ordered by the President, are hereby jointly delegated to the Secretary of Defense and the United States Trade Representative. These functions shall be coordinated with the Secretary of State and conducted in consultation with the Secretaries of Commerce, Labor and the Treasury.

SEC. 5-202. *Reporting Functions.* The reporting functions of the President under section 825(d) of the Defense Authorization Act are delegated to the Director of the Office of Management and Budget. The Director may further delegate to the heads of Executive departments and agencies responsibility for preparing particular sections of such reports. The heads of Executive departments and agencies shall, to the extent permitted by law, provide the Director with such information as may be necessary for the effective performance of these functions.

SEC. 5-301. *International Trade Commission Report.* The functions vested in the President by section 332(g) of the Tariff Act, regarding

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reports by the United States International Trade Commission to the President, are delegated to the United States Trade Representative.

SEC. 5-401. *Strengthening International Institutions.* To the extent possible, actions undertaken under this Order shall be conducted in a manner that strengthens international institutions that further United States objectives, such as opening foreign markets and preventing the export of strategic goods and technologies to proscribed destinations.

SEC. 5-501. *Effective Date.* This Order shall take effect at 12:01 a.m. on Wednesday, December 28, 1988.

Executive Order 12662—Implementing the United States-Canada Free-Trade Implementation Act

SOURCE: The provisions of Executive Order 12662 of Dec. 31, 1988, appear at 54 FR 785, 3 CFR, 1988 Comp., p. 624, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100-449, 102 Stat. 1851) ("FTA Implementation Act"), it is hereby ordered as follows:

SECTION 1. *Publication of Proposed Rules regarding Technical Standards.*

(a) In accordance with Articles 601(1) and 607 of the United States-Canada Free-Trade Agreement ("Free-Trade Agreement"), each agency subject to the provisions of the Administration Procedure Act (5 U.S.C. section 551 *et seq.*) shall, in applying section 553 of Title 5 of the United States Code with respect to any proposed Federal standards-related measures or product approval procedures, publish or serve notice of such measures or procedures not less than 75 days before the comment due date, except where, in urgent circumstances, delay would frustrate the achievement of a legitimate domestic objective.

(b) For purposes of this section:

(1) "legitimate domestic objective" means an objective whose purpose is to protect health, safety, essential security, the environment, or consumer interests;

(2) "product approval" means a Federal Government declaration that a set of published criteria has been fulfilled and therefore that goods are permitted to be used in a specific manner or for a specific purpose;

(3) "standards" and "certification systems" shall be defined in accordance with the definitions for those terms set out in section 451 of the Trade Act of 1979, 19 U.S.C. section 2571; and

(4) "standards-related measures" include technical specifications, technical regulations, standards and rules for certification systems that apply to goods, and processes and production methods.

(c) This section shall not apply with respect to any proposed rules related to agricultural, food, beverage, and certain related goods as defined in Chapter Seven (Agriculture) of the Free-Trade Agreement.

SEC. 2. *Establishment of United States Secretariat.*

Pursuant to subsection 405(e) of the FTA Implementation Act, a "United States Secretariat" shall be established within the International Trade Administration of the Department of Commerce. The Secretariat shall facilitate:

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- (1) the operation of Chapters 18 and 19 of the Free-Trade Agreement, and
- (2) the work of the binational panels and extraordinary challenge committees convened under those Chapters.

SEC. 3. *Acceptance by the President of Panel and Committee Decisions.*

In accordance with subsection 401(c) of the FTA Implementation Act, in the event that the provisions of subparagraph 516A(g)(7)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. section 1516a(g)(7)(B), take effect, I accept, as a whole, all decisions of binational panels and extraordinary challenge committees.

SEC. 4. *Judicial Review.*

This Order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 5. *Effective Date.*

This Order shall take effect upon the entry into force of the Free-Trade Agreement.

CHAPTER 16—COMMERCIAL PRACTICES

Executive Orders

- 11566 Consumer product information
- 11583 Office of Consumer Affairs
- 12160 Providing for enhancement and coordination of Federal consumer programs
- 12600 Predisclosure notification procedures for confidential commercial information

Executive Order 11566—Consumer product information

SOURCE: The provisions of Executive Order 11566 of Oct. 26, 1970, appear at 35 FR 16673, 3 CFR, 1966-1970 Comp., p. 977, unless otherwise noted.

CROSS REFERENCE: Executive Order 11583 of Feb. 24, 1971, this chapter, p. 309, affects the Committee established by section 4 of Executive Order 11566.

Numerous agencies of the Federal government purchase from private industry a wide variety of consumer products for government use. The making of such purchases requires the development of extensive documents, reports, and other information for evaluating the products purchased.

The Federal government has an opportunity to help the consuming public by sharing the knowledge which the government has accumulated in the process of purchasing items for government use with tax dollars.

Investigation by an interagency committee representing the significant procurement agencies indicates that certain product information thus acquired is currently available from various government agencies but lack of awareness greatly restricts the use of such information by the consuming public and by other government agencies. Some of that information would be useful to consumers in its present form, but other such information would benefit private consumers only if translated from technical procurement documents into information designed for consumer education.

Such product information is acquired in the public interest, and it should be made available to the public and to other government agencies in a manner that is useful to consumers, fair to producers and vendors, and protective of government procurement processes.

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NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Consumer Product Information Coordinating Center.* (a) The General Services Administration shall establish a Consumer Product Information Coordinating Center (hereinafter referred to as the Center). The Center shall:

(1) Promote the development, production, and public dissemination of government documents containing product information of possible use to consumers, including other government agencies, and the release of which may be accomplished in a manner that is both fair to producers and vendors and protective of government procurement processes.

(2) Review regularly the documents, reports, and other information of all Federal agencies which may contain product information useful to consumers.

(3) Make publicly available, after notice to interested agencies, the selected product information through the Federal Information Centers of the General Services Administration and other local and regional government offices, as appropriate.

(4) Coordinate the Federal effort to eliminate duplicative consumer product information from government publications.

(b) In carrying out its responsibilities the Center may convene meetings of affected Federal agencies, make recommendations to such agencies for accomplishing the objectives set forth herein, and utilize the resources of voluntary and other private organizations. In the course of its work the Center shall also seek to identify those government-produced commodities which have a major impact on family budgets, and to give priority to the development and release of information regarding such commodities.

SEC. 2. *Cooperation by Federal agencies.* (a) Each Federal agency shall:

(1) Furnish the Center with copies of all documents which may contain useful consumer product information and which the Center desires to review for possible distribution as provided in this order.

(2) Cooperate with the Center in effectively identifying and distributing the product information deemed to be most useful to the public.

(3) Consider the impact on family budgets, particularly as may be identified by the Center, in determining the commodities selected for specifications review, documentation, translation, or other information improvement.

(b) Nothing contained in this order shall be construed to require the release by any agency to the Center, or the release to the public by the Center, of any matter which falls within one or more of the exemptions in 5 U.S.C. 552(b) or which is otherwise protected by law from disclosure to the public. Nothing contained in this order shall be deemed to permit the release of information which would disclose trade secrets, formulas, processes, costs, methods of doing business, names of customers, or other competitive information not otherwise available to the general public.

SEC. 3. *Pilot program on consumer product information.* (a) The U.S. Army Natick Laboratories, Department of Defense, shall undertake a pilot program to develop methods and procedures for translating selected technical documents and materials (including research and development reports), acquired by Federal agencies during the procurement

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specifications and standards development process, into information useful to public consumers. Upon completion of the pilot program, but not later than nine months from the date of this order, the Department of Defense shall submit a final report to the President's Committee on Consumer Interests (provided for in Executive Order No. 11136 of January 3, 1964, as amended). That report shall set forth the methods and results of the pilot project and shall include information as to the cost and feasibility of adopting such a program for all Federal agencies on a continuing basis.

(b) Each Federal agency shall cooperate with the Department of Defense in completing the pilot project described in subsection (a).

SEC. 4. *Functions of the President's Committee on Consumer Interests.* The President's Committee on Consumer Interests shall:

(1) Advise and assist the Center, and provide continuing policy guidance on the implementation of the activities provided for in this order.

(2) Review the effectiveness of government programs established for the release of useful consumer product information.

(3) Develop a program by which private media might be more effectively used to publicize available information.

(4) Initiate conferences designed to explore how individual companies, trade associations, standards organizations, consumer groups, and others may improve the product information to be supplied to consumers.

(5) Submit a report to the President describing the implementation of the programs outlined herein on each anniversary of the date of this order.

SEC. 5. *Definition.* As used in this order, the term "consumer product" means a type of article of personal property customarily sold for family or household use, consumption, or enjoyment, and the term "product information" means information relating to consumer products.

SEC. 6. *Agency documents.* Each government agency shall furnish to the President's Committee on Consumer Interests, within three months from the date of this order, copies of regulations, orders, or other documents issued to provide for the implementation of this order.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

Executive Order 11583—Office of Consumer Affairs

SOURCE: The provisions of Executive Order 11583 of Feb. 24, 1971, appear at 36 FR 3309, 3 CFR, 1971-1975 Comp., p. 541, unless otherwise noted.

Consumer protection fosters a market place in which our competitive economic system flourishes best. It is good for businessmen because it gives the consumer greater confidence in the goods and services provided by business. It is good for consumers because it reinforces the concept of buyers' rights:

—the right to make an intelligent choice among products and services;

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- the right to accurate information on which to make a free choice;
- the right to expect that the health and safety of the buyer is taken into account by those who seek his patronage;
- the right to register dissatisfaction, and have a complaint heard and weighed, when a buyer's interests are badly served.

The Special Assistant to the President for Consumer Affairs is performing an important role in representing consumer interests in the Federal Government. It is important that the role of the office of the Special Assistant be reinforced by increasing its responsibilities and re-emphasizing its importance.

There is need for a consumer office within the Executive Office of the President, which not only advises and represents the President on matters of consumer interest, but also analyzes and coordinates the implementation of all Federal activities in the field of consumer protection, helping to establish priorities and resolve conflicts, and recommending ways in which governmental consumer programs can be made more effective.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Office of Consumer Affairs.* The Office of Consumer Affairs (hereinafter referred to as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director, who shall be appointed by the President, and there shall be in the Office two Deputy Directors who shall also be appointed by the President. The Deputy Directors shall perform such duties as the Director may designate, and in case of a vacancy in the office of Director or during the absence or incapacity of the Director, the Deputy Directors, in the order designated by the President, shall act as Director. The Director and Deputy Directors shall receive compensation at such rates as the President, consonant with law, may hereafter determine.

[Sec. 1 amended by EO 11595 of May 26, 1971, 36 FR 9763, 3 CFR, 1971-1975 Comp., p. 564]

SEC. 2. *Powers and duties of the Director.* (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof. The Director shall take all actions as may be necessary to organize the Office so as to carry out the functions and to achieve the purposes set forth in this order.

(b) In addition to any other authority conferred upon him by this order, the Director is authorized, in carrying out his functions hereunder, to—

(1) appoint one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions. Members of such committees other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as authorized by law for persons serving intermittently;

(2) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him or in the Office, and

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delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(3) utilize, with their consent, the services, personnel, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement thereof except as reimbursement may be required by law; and

(c) The Director shall report periodically to the President on significant developments affecting the interests of consumers together with such recommendations including legislative recommendations as he deems appropriate.

[Sec. 2 amended by EO 12007 of Aug. 22, 1977, 42 FR 42839, 3 CFR, 1977 Comp., p. 139]

SEC. 3. *Functions.* (a) The Office shall advise the President as to all matters affecting the interest of consumers.

(b) The Office shall—

(1) with respect to consumer interests in Federal policies and programs, encourage and assist in development and implementation of consumer programs; coordinate and review policies and programs; seek resolution of conflicts; advise and make recommendations to Federal agencies with respect to policy matters, the effectiveness of their programs and operations, and the elimination of duplications;

(2) assure that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest;

(3) conduct investigations, conferences, and surveys concerning the needs, interests and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies;

(4) submit recommendations to the President on how Federal programs and activities affecting consumers can be improved;

(5) take action with respect to consumer complaints to the extent authorized by section 4 of this order;

(6) perform the functions assigned to the President's Committee on Consumer Interests in Executive Order No. 11566 of October 26, 1970;

(7) encourage and coordinate the development of information of interest to consumers by Federal agencies and the publication and distribution of materials which will inform consumers of matters of interest to them in language which is readily understandable by the layman;

(8) encourage and coordinate research conducted by Federal agencies leading to improved consumer products, services, and consumer information;

(9) encourage, initiate, coordinate, evaluate, and participate in consumer education programs and consumer counseling programs;

(10) encourage, cooperate with, and assist State and local governments in the promotion and protection of consumer interests; and

(11) cooperate with and encourage private enterprise in the promotion and protection of consumer interests.

SEC. 4. *Consumer complaints.* (a) Whenever the Office receives from any source complaints or other information disclosing a possible violation of (1) any law of the United States or (2) any rule or order of any Federal agency concerning consumer interests, the Office shall prompt-

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ly transmit such complaint or other information to the Federal agency charged with the duty of enforcing such law, rule, or order, for appropriate action.

(b) Whenever the Office receives complaints or other information disclosing any commercial or trade practice which it deems detrimental to the general interests of consumers within the United States, and which is not included within the category specified in subsection (a) of this section, the Office may transmit such complaint or other information promptly to the Federal, State, or local agency whose regulatory or other authority provides the most effective means to act upon them; the Office may in its discretion also refer such complaint or other information to the private persons or industry against whom the complaint is made.

SEC. 5. [Revoked]

[Sec. 5 revoked by EO 12007 of Aug. 22, 1977, 42 FR 42839, 3 CFR, 1977 Comp., p. 139]

SEC. 6. *Consideration of the consumer interest in Federal agency determinations.* Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services, including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of written policy decisions, or (3) the issuance of orders, decrees, or standards, shall, in taking such action, give due consideration to the valid interests of consumers.

SEC. 7. *Abolition of Committee and Council.* Except as otherwise provided herein, the President's Committee on Consumer Interests and the Consumer Advisory Council established under Executive Order No. 11136 of January 3, 1964, as amended by Executive Order No. 11349 of May 1, 1967, are abolished.

SEC. 8. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 9. *Orders superseded.* Executive Order No. 11136 of January 3, 1964, and Executive Order No. 11349 of May 1, 1967, are hereby superseded.

EDITORIAL NOTE: Section 1 of Executive Order 11702 of Jan. 25, 1973, 38 FR 2957, 3 CFR, 1971-1975 Comp., p. 753, as amended by Executive Order 12608 of Sept. 9, 1967, 52 FR 34617, 3 CFR, 1987 Comp., p. 245, further amended Executive Order 11583. The provisions of section 1 are set forth below:

SECTION 1. The Office of Consumer Affairs, established by Executive Order No. 11583 of February 24, 1971, as amended by Executive Order No. 11595 of May 26, 1971, together with its functions, is hereby transferred from the Executive Office of the President to the Department of Health and Human Services. The Director of the Office of Consumer Affairs shall continue as the Special Assistant to the President for Consumer Affairs.

Executive Order 12160—Providing for enhancement and coordination of Federal consumer program

SOURCE: The provisions of Executive Order 12160 of Sept. 26, 1979, appear at 44 FR 55787, 3 CFR, 1979 Comp., p. 430, unless otherwise noted.

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By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1-1. *Establishment of the Consumer Affairs Council.*

1-101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1-102. The Council shall consist of representatives of the following agencies and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health and Human Services.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.
- (m) ACTION Agency.
- (n) Administrative Conference of the United States.
- (o) Community Services Administration.¹
- (p) Department of Education.
- (q) Environmental Protection Agency.
- (r) Equal Employment Opportunity Commission.
- (s) Federal Emergency Management Agency.
- (t) General Services Administration.
- (u) Small Business Administration.
- (v) Tennessee Valley Authority.
- (w) Veterans Administration.
- (x) Commission on Civil Rights is invited to participate.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

[Sec. 1-102 amended by EO 12265 of Jan. 15, 1981, 46 FR 4665]

1-2. *Functions of the Council.*

1-201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1-3. *Designation and Functions of the Chairperson.*

¹ EDITORIAL NOTE: The Community Services Administration was abolished through the repeal of the Economic Opportunity Act of 1964 (except titles VIII and X of the act) by Pub. L. 97-35 (95 Stat. 519, 42 U.S.C. 2941). The Office of Community Services was established in the Department of Health and Human Services by the Omnibus Reconciliation Act of 1981 (95 Stat. 516, 42 U.S.C. 9905).

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1-301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

1-303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1-4. *Consumer Program Reforms.*

1-401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) *Consumer Affairs Perspective.* Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) *Consumer Participation.* Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) *Informational Materials.* Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

(d) *Education and Training.* Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) *Complaint Handling.* Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

1-402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the

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agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1-5. *Implementation of Consumer Program Reforms.*

1-501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1-4 above. Each agency shall publish its draft consumer program in the *FEDERAL REGISTER* and shall give the public 90 days to comment on the program. A copy of the program shall be sent to the Council.

1-502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the *FEDERAL REGISTER*. Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1-503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the *FEDERAL REGISTER*.

1-504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1-505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1-6. *Budget Review.*

1-601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1-7. *Civil Service Initiatives.*

1-701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

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(c) the training and development of employees for the performance of such duties.

1-8. Administrative Provisions.

1-801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1-802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1-803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1-804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

1-9. Definitions.

1-901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1-902. "Agency" or "agencies" means any department or agency of the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1-804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.

Executive Order 12600—Predisclosure notification procedures for confidential commercial information

SOURCE: The provisions of Executive Order 12600 of June 23, 1987, appear at 52 FR 23781, 3 CFR, 1987 Comp., p. 235, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to provide predisclosure notification procedures under the Freedom of Information Act concerning confidential commercial information, and to make existing agency notification provisions more uniform, it is hereby ordered as follows:

SECTION 1. The head of each Executive department and agency subject to the Freedom of Information Act shall, to the extent permitted by law, establish procedures to notify submitters of records containing

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confidential commercial information as described in section 3 of this Order, when those records are requested under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, if after reviewing the request, the responsive records, and any appeal by the requester, the department or agency determines that it may be required to disclose the records. Such notice requires that an agency use good-faith efforts to advise submitters of confidential commercial information of the procedures established under this Order. Further, where notification of a voluminous number of submitters is required, such notification may be accomplished by posting or publishing the notice in a place reasonably calculated to accomplish notification.

SEC. 2. For purposes of this Order, the following definitions apply:

(a) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(b) "Submitter" means any person or entity who provides confidential commercial information to the government. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

SEC. 3. (a) For confidential commercial information submitted prior to January 1, 1988, the head of each Executive department or agency shall, to the extent permitted by law, provide a submitter with notice pursuant to section 1 whenever:

(i) the records are less than 10 years old and the information has been designated by the submitter as confidential commercial information; or

(ii) the department or agency has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(b) For confidential commercial information submitted on or after January 1, 1988, the head of each Executive department or agency shall, to the extent permitted by law, establish procedures to permit submitters of confidential commercial information to designate, at the time the information is submitted to the Federal government or a reasonable time thereafter, any information the disclosure of which the submitter claims could reasonably be expected to cause substantial competitive harm. Such agency procedures may provide for the expiration, after a specified period of time or changes in circumstances, of designations of competitive harm made by submitters. Additionally, such procedures may permit the agency to designate specific classes of information that will be treated by the agency as if the information had been so designated by the submitter. The head of each Executive department or agency shall, to the extent permitted by law, provide the submitter notice in accordance with section 1 of this Order whenever the department or agency determines that it may be required to disclose records:

(i) designated pursuant to this subsection; or

(ii) the disclosure of which the department or agency has reason to believe could reasonably be expected to cause substantial competitive harm.

SEC. 4. When notification is made pursuant to section 1, each agency's procedures shall, to the extent permitted by law, afford the submitter a reasonable period of time in which the submitter or its designee

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may object to the disclosure of any specified portion of the information and to state all grounds upon which disclosure is opposed.

SEC. 5. Each agency shall give careful consideration to all such specified grounds for nondisclosure prior to making an administrative determination of the issue. In all instances when the agency determines to disclose the requested records, its procedures shall provide that the agency give the submitter a written statement briefly explaining why the submitter's objections are not sustained. Such statement shall, to the extent permitted by law, be provided a reasonable number of days prior to a specified disclosure date.

SEC. 6. Whenever a FOIA requester brings suit seeking to compel disclosure of confidential commercial information, each agency's procedures shall require that the submitter be promptly notified.

SEC. 7. The designation and notification procedures required by this Order shall be established by regulations, after notice and public comment. If similar procedures or regulations already exist, they should be reviewed for conformity and revised where necessary. Existing procedures or regulations need not be modified if they are in compliance with this Order.

SEC. 8. The notice requirements of this Order need not be followed if:

(a) The agency determines that the information should not be disclosed;

(b) The information has been published or has been officially made available to the public;

(c) Disclosure of the information is required by law (other than 5 U.S.C. 552);

(d) The disclosure is required by an agency rule that (1) was adopted pursuant to notice and public comment, (2) specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act, and (3) provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm;

(e) The information requested is not designated by the submitter as exempt from disclosure in accordance with agency regulations promulgated pursuant to section 7, when the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the agency has substantial reason to believe that disclosure of the information would result in competitive harm; or

(f) The designation made by the submitter in accordance with agency regulations promulgated pursuant to section 7 appears obviously frivolous; except that, in such case, the agency must provide the submitter with written notice of any final administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

SEC. 9. Whenever an agency notifies a submitter that it may be required to disclose information pursuant to section 1 of this Order, the agency shall also notify the requester that notice and an opportunity for comment are being provided the submitter. Whenever an agency notifies a submitter of a final decision pursuant to section 5 of this Order, the agency shall also notify the requester.

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SEC. 10. This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

CHAPTER 17—[RESERVED]

CHAPTER 18—CONSERVATION OF POWER AND WATER RESOURCES

Proclamations

- 2668 Policy of the United States with respect to coastal fisheries in certain areas of the high seas

Executive Orders

- 6526 Coordinating the electrical facilities of Grand Coulee Dam Project and Bonneville Project
9634 Providing for the establishment of fishery conservation zones
10564 Prescribing rules and regulations relating to the administration of the Watershed Protection and Flood Prevention Act
11743 Delegating certain authority of the President under the Water Resources Planning Act, as amended
12379 River basin commissions
17322 Water resources projects

Proclamation 2668—Policy of the United States with respect to coastal fisheries in certain areas of the high seas

SOURCE: The provisions of Proclamation 2668 of Sept. 28, 1945, appear at 10 FR 12374, 3 CFR, 1943-1948 Comp., p. 68, unless otherwise noted.

CROSS REFERENCE: Executive Order 9634 of Sept. 28, 1945, this chapter, p. 324, provides for the establishment of fishery conservation zones pursuant to this proclamation.

WHEREAS for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

WHEREAS such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

WHEREAS the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

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WHEREAS there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

Executive Order 8526—Coordinating the electrical facilities of Grand Coulee Dam Project and Bonneville Project

SOURCE: The provisions of Executive Order 8526 of Aug. 26, 1940, appear at 5 FR 3390, 3 CFR, 1938-1943 Comp., p. 704, unless otherwise noted.

WHEREAS the Bureau of Reclamation is constructing the Grand Coulee Dam Project pursuant to authority delegated under section 2 of the act of August 30, 1935, 49 Stat. 1028, 1039, and in connection therewith will operate and maintain facilities for the generation of electrical power and energy; and

WHEREAS the Bonneville Power Administrator is now disposing of power and energy generated at the Bonneville Project; and

WHEREAS integration and coordination of the electrical facilities of the two projects will be facilitated by a mutual exchange of the electrical power and energy generated at the Bonneville Project and the

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Grand Coulee Dam Project and by marketing the power and energy from both projects through a single agency:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by section 2 of the act of August 30, 1935, *supra*, and supplementing my letter of January 29, 1936, to the Secretary of the Interior, it is hereby ordered as follows:

1. The Bonneville Power Administrator is hereby designated, under the supervision and direction of the Secretary of Energy, as agent for the sale and distribution of electrical power and energy generated at the Grand Coulee Dam Project and not required for operation of that Project, including its irrigation features.

2. The Administrator shall construct, operate, and maintain the transmission lines and substations and appurtenant structures and facilities necessary for marketing the power and energy delivered to him from the Grand Coulee Dam Project; except that the Bureau of Reclamation may construct, operate, or maintain such transmission facilities as the Secretary of the Interior, in his discretion, deems necessary or desirable. The Bureau of Reclamation and the Administrator, with the approval of the Secretary of the Interior, shall agree upon and schedule the installation of additional generators at the Grand Coulee Dam Project.

3. The Bureau of Reclamation, with the approval of the Secretary of the Interior, shall provide the Administrator with a basic schedule of the power and energy to be available to him from the Grand Coulee Dam Project. The Bureau, with the Secretary of the Interior's approval, may revise the schedule from time to time, except that no revision decreasing the amount of power and energy available under an existing schedule shall be effective unless agreed to by the Administrator. The Bureau will make power and energy from the Grand Coulee Dam Project available to the Administrator in accordance with these schedules.

4. The Administrator shall market the power and energy delivered to him from the Grand Coulee Dam Project at rates to be fixed by the Secretary of Energy consistently with all applicable provisions of law and allocations of cost determined as provided thereunder. From time to time the Secretary of Energy, consistently with all applicable provisions of law and allocations of cost made pursuant thereto, shall determine the basis on which the Administrator and the Bureau shall compute the returns to be made to the Bureau for power and energy delivered to the Administrator from the Grand Coulee Dam Project pursuant to this order. All receipts collected by the Administrator from transmission and sale of power and energy shall be deposited with the Treasurer of the United States for credit to a special account, subject to allocation by the Secretary of Energy in accordance with the computations above provided for. Upon certification by the Secretary of Energy, the amounts of receipts properly allocable to the Bonneville Project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts subject to the provisions of section 2 of the act of August 20, 1937, 50 Stat. 731, 732. The amounts certified by the Secretary of Energy as being allocable to the Grand Coulee Dam Project shall be covered into the Treasury for credit to the Reclamation Fund to the extent authorized by law.

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5. In aid of this delegation of authority to the Secretary of the Interior and the Secretary of Energy, the Commissioner of the Bureau of Reclamation and the Bonneville Power Administrator shall, subject to the approval of the Secretary of the Interior and the Secretary of Energy, and the terms of this order, enter into any and all agreements that are necessary for the interconnection of the Bonneville Project and the Grand Coulee Dam Project and to carry out the provisions of this order.

[EO 8526 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

Executive Order 9634—Providing for the establishment of fishery conservation zones

SOURCE: The provisions of Executive Order 9634 of Sept. 28, 1945, appear at 10 FR 12305, 3 CFR, 1943-1948 Comp., p. 437, unless otherwise noted.

CROSS REFERENCE: Proclamation 2668 of Sept. 28, 1945, this chapter, p. 321, serves as the authority for this Executive order.

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas," this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

Executive Order 10584—Prescribing rules and regulations relating to the administration of the Watershed Protection and Flood Prevention Act

SOURCE: The provisions of Executive Order 10584 of Dec. 18, 1954, appear at 19 FR 8725, 3 CFR, 1954-1958 Comp., p. 252, unless otherwise noted.

By virtue of the authority vested in me by the Watershed Protection and Flood Prevention Act, and as President of the United States, I hereby prescribe the following rules and regulations relating to the administration of the said Act:

SECTION 1. *Scope of order.* This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, approved August 4, 1954, as amended; 16 U.S.C. 1001 *et seq.*), hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

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[Sec. 1 amended by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

SEC. 2. *General administration.* The Secretary of Agriculture shall have the following-described responsibilities under the Act:

(a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.

(b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.

(c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.

(d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act, and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.

(e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.

(f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

[Sec. 2 amended by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

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SEC. 3. *Notification.* (a) The Secretary of Agriculture shall:

(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

[Sec. 3 amended by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

SEC. 4. *Coordination.* In order to assure the coordination of work authorized under the Act and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner,

(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act, shall:

(1) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a-422k), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army con-

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cerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 *et seq.*), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

(b) The Secretary of the Interior shall, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a-422k), relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such a survey or field investigation, or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(c) The Secretary of the Army shall, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act, and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(d) The Board of Directors of the Tennessee Valley Authority shall, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 *et seq.*), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of

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Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protection by means of works of improvement constructed under the Act, and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

[Sec. 4 amended by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

SEC. 5. *Fish and wildlife development.* Upon receipt of the notice required by section 12 of the Act and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture.

[Sec. 5 added by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

SEC. 6. *Relationship to comprehensive development.* (a) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river sub-basin or river basin involved.

(b) Federal agencies having responsibilities for water resource developments shall, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement, or combinations of improvements, with

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approximately the same cost, the alternative or combination least costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed in justification of a system of improvement shall not include any duplication or compounding of benefits.

[Former sec. 5 renumbered as sec. 6 by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

SEC. 7. *Basic data.* In the utilization of existing basic physical and economic data, and in the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act, the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau¹ in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

(a) Provision of pertinent information in the preliminary planning of works of improvement.

(b) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.

(c) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.

[Former sec. 6 renumbered as sec. 7 by EO 10913 of Jan. 18, 1961, 26 FR 510, 3 CFR, 1959-1963 Comp., p. 440]

Executive Order 11747—Delegating certain authority of the President under the Water Resources Planning Act, as amended

SOURCE: The provisions of Executive Order 11747 of Nov. 7, 1973, appear at 38 FR 3093, 3 CFR, 1971-1975 Comp., p. 821, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

The Chairman of the Water Resources Council is designated and empowered to exercise, without the approval, ratification, or other action of the President, the approval function for standards and procedures vested in the President by section 103 of the Water Resources Planning Act, as amended (42 U.S.C. 1962a-2).

[EO 11747 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

¹ EDITORIAL NOTE: The functions of the Weather Bureau of the Department of Commerce were transferred to the Environmental Science Services Administration by Reorganization Plan No. 2 of 1965, 30 FR 8819, 3 CFR, 1964-1965 Comp., p. 385, effective July 13, 1965, and were later transferred to the National Oceanic and Atmospheric Administration by Reorganization Plan No. 4 of 1970, 35 FR 15627, 3 CFR, 1966-1970 Comp., p. 1075, effective Oct. 3, 1970.

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Executive Order 12319—River basin commissions

SOURCE: The provisions of Executive Order 12319 of Sept. 9, 1981, appear at 46 FR 45591, 3 CFR, 1981 Comp., p. 175, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States, in order to ensure the orderly termination of the six river basin commissions established pursuant to the Water Resources Planning Act (42 U.S.C. 1962 *et seq.*), it is hereby ordered as follows:

SECTION 1. In accord with the decision of the Water Resources Council¹ pursuant to Section 203(a) of the Water Resources Planning Act (42 U.S.C. 1962b-2(a)), the following river basin commissions shall terminate on the date indicated:

(a) Pacific Northwest River Basins Commission, terminated on September 30, 1981.

(b) Great Lakes Basin Commission, terminated on September 30, 1981.

(c) Ohio River Basin Commission, terminated on September 30, 1981.

(d) New England River Basins Commission, terminated on September 30, 1981.

(e) Missouri River Basin Commission, terminated on September 30, 1981.

(f) Upper Mississippi River Basin Commission, terminated on December 31, 1981.

SEC. 2. All Federal agencies shall cooperate with the commissions and the member States to achieve an orderly close out of commission activities and, if the member States so elect, to carry out an orderly transition of appropriate commission activities to the member States.

SEC. 3. To the extent permitted by law, the assets of the commissions which the Federal Government might otherwise be entitled to claim are to be transferred to the member States of the commissions, or such entities as the States acting through their representatives on the commissions may designate, to be used for such water and related land resources planning purposes as the States may decide among themselves. The terms and conditions for transfer of assets under this Section shall be subject to the approval of the Director of the Office of Management and Budget, or such Federal agency as he designates, before the transfer is effective.

SEC. 4. Federal agency members of river basin commissions are directed to continue coordination and cooperation in future State and inter-State basin planning arrangements.

SEC. 5. (a) Effective October 1, 1981, the following Executive Orders are revoked:

(1) Executive Order No. 11331, as amended, which established the Pacific Northwest River Basins Commission.

(2) Executive Order No. 11345, as amended, which established the Great Lakes Basin Commission.

(3) Executive Order No. 11371, as amended, which established the New England River Basins Commission.

¹ EDITORIAL NOTE: Inactive as of Oct. 1, 1982.

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(4) Executive Order No. 11578, as amended, which established the Ohio River Basin Commission.

(5) Executive Order No. 11658, as amended, which established the Missouri River Basin Commission.

(b) Effective January 1, 1982, Executive Order No. 11659, as amended, which established the Upper Mississippi River Basin Commission, is revoked.

Executive Order 12322—Water resources projects

SOURCE: The provisions of Executive Order 12322 of Sept. 17, 1981, appear at 46 FR 46561, 3 CFR, 1981 Comp., p. 178, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure efficient and coordinated planning and review of water resources programs and projects, it is hereby ordered as follows:

SECTION 1. Before any agency or officer thereof submits to the Congress, or to any committee or member thereof, for approval, appropriations, or legislative action any report, proposal, or plan relating to a Federal or Federally assisted water and related land resources project or program, such report, proposal, or plan shall be submitted to the Director of the Office of Management and Budget.

SEC. 2. The Director of the Office of Management and Budget shall examine each report, proposal, or plan for consistency with, and shall advise the agency of the relationship of the project to, the following:

- (a) the policy and programs of the President;
- (b) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies or other such planning guidelines for water and related land resources planning, as shall hereafter be issued; and
- (c) other applicable laws, regulations, and requirements relevant to the planning process.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. When such report, proposal, or plan is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Office of Management and Budget.

SEC. 4. Executive Order No. 12113, as amended, is revoked.

CHAPTER 19—CUSTOMS DUTIES

Executive Orders

- 11211 Carrying out provisions of the Beirut Agreement of 1948 relating to audio-visual materials
- 11450 Designation of the Secretary of the Treasury to authorize associations to issue TIR carnets and to act as guarantors under the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets
- 11539 Delegations of authority to negotiate agreements and issue regulations limiting imports of certain meats
- 11851 Delegation of authority to issue regulations limiting imports of certain cheeses
- 13445 Certification of containers and vehicles for use in international transport
- 15313 Prohibition of the importation of the South African Krugerrand
- 12518 Imports of refined petroleum products from Libya

Executive Order 11311—Carrying out provisions of the Beirut Agreement of 1948 relating to audio-visual materials

SOURCE: The provisions of Executive Order 11311 of Oct. 14, 1966, appear at 31 FR 13413, 1 CFR, 1966-1970 Comp., p. 593, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution, of October 8, 1946, Public Law 89-634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.
2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

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Executive Order 11450—Designation of the Secretary of the Treasury to authorize associations to issue TIR carnets and to act as guarantors under the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets

SOURCE: The provisions of Executive Order 11450 of Jan. 18, 1969, appear at 34 FR 919, 3 CFR, 1966-1970 Comp., p. 770, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, I hereby designate the Secretary of the Treasury to take all action required of the United States under paragraph 1 of Article 5 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention) ratified by the President on May 3, 1967 (TIAS 6633), and to exercise his authority hereunder subject to the conditions set forth in paragraph 2 of said Article 5. The Secretary of the Treasury is authorized to delegate his authority and functions hereunder, including the authority to subdelegate such authority and functions, as he shall deem appropriate.

EDITORIAL NOTE: The authority granted by Executive Order 11450 was delegated to the Commissioner of Customs by the Assistant Secretary of the Treasury by a notice published in the FEDERAL REGISTER (FR Doc. 69-1310 of Jan. 24, 1969 (34 FR 1567)).

Executive Order 11539—Delegations of authority to negotiate agreements and issue regulations limiting imports of certain meats

SOURCE: The provisions of Executive Order 11539 of June 30, 1970, appear at 35 FR 10733, 3 CFR, 1966-1970 Comp., p. 937, unless otherwise noted.

By virtue of the authority vested in me by section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The United States Trade Representative, with the concurrence of the Secretary of Agriculture and the Secretary of State, is authorized to negotiate bilateral agreements with representatives of governments of foreign countries limiting the export from the respective countries and the importation into the United States of—

- (1) fresh, chilled, or frozen cattle meat,
- (2) fresh, chilled, or frozen meat of goats and sheep (except lambs), and
- (3) prepared and preserved beef and veal (except sausage) if articles are prepared, whether fresh, chilled, or frozen, but not otherwise preserved, that are the products of such countries.

SEC. 2. The Secretary of Agriculture, with the concurrence of the Secretary of State and the United States Trade Representative, is authorized to issue regulations governing the entry or withdrawal from warehouse for consumption in the United States of any such meats to carry out any such agreement.

SEC. 3. The Commissioner of Customs shall take such actions and supply such information to the Secretary of Agriculture with respect to entry or withdrawal from warehouse for consumption in the United States of such meats as the Secretary of Agriculture, with the concurrence of the Secretary of State and the United States Trade Representative, may request to carry out any such agreements or regulations.

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SEC. 4. Heads of departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the functions herein assigned to them, except that the function of negotiating agreements delegated to the United States Trade Representative by section 1 and the function of issuing regulations delegated to the Secretary of Agriculture by section 2 of this order may be redelegated only to officials required to be appointed by and with the advice and consent of the Senate, as provided by 3 U.S.C. 301.

[EO 11539 amended by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

Executive Order 11851—Delegation of authority to issue regulations limiting imports of certain cheeses

SOURCE: The provisions of Executive Order 11851 of Apr. 10, 1975, appear at 40 FR 16645, 3 CFR, 1971-1975 Comp., p. 982, unless otherwise noted.

By virtue of the authority vested in me by section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of the Treasury, with the concurrence of the Secretary of State and the United States Trade Representative, in order to implement an agreement concluded in December 1974 with the Commission of the European Communities designed to prevent the transshipment to the United States of certain cheeses on which restitution payments have been made, is authorized to issue regulations:

(a) to prevent the importation into the Customs Territory of the United States, except for the Commonwealth of Puerto Rico, of certain cheeses, originating in member states of the European Communities, upon which restitution payments have been made for export to (1) Puerto Rico, the Virgin Islands, other United States possessions and territories or (2) any country other than the United States;

(b) to prevent the importation of such cheeses into the Commonwealth of Puerto Rico if such cheeses are imported into the Commonwealth of Puerto Rico for transshipment to other areas of the Customs Territory of the United States.

[Sec. 1 affected by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

SEC. 2. Heads of departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the functions herein assigned to them, except that the function of issuing regulations delegated to the Secretary of the Treasury by Section 1 of this order may be redelegated only to officials required to be appointed by and with the advice and consent of the Senate, as provided by 3 U.S.C. 301.

Executive Order 12445—Certification of containers and vehicles for use in international transport

SOURCE: The provisions of Executive Order 12445 of Oct. 17, 1983, appear at 48 FR 46441, 3 CFR, 1983 Comp., p. 215, unless otherwise noted.

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By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including Section 301 of Title 3 of the United States Code, in order to transfer certain functions implementing international conventions concerning customs treatment of containers in international commerce, it is hereby ordered as follows:

SECTION 1. The Secretary of the Treasury is hereby delegated authority to take all actions, including the issuance of regulations, appropriate to carry out the approval and certification of containers and vehicles for international transport of goods under customs seal pursuant to the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on January 15, 1959 (TIAS 6633), the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on November 14, 1975 (TIAS), and the Customs Convention on Containers, done at Geneva on May 18, 1956 (TIAS 6634).

SEC. 2. In discharging this authority, the Secretary shall apply the procedures and technical conditions set forth in the Annexes to the Conventions set forth above, as those Conventions are modified, amended, or otherwise supplemented from time to time.

SEC. 3. The Secretary may prescribe a schedule of fees to defray the costs of the services provided under this Order.

SEC. 4. The Secretary may, to the extent permitted by law, rely upon the services of non-profit firms or associations in carrying out his duties under this Order.

SEC. 5. Regulations issued by the Secretary of Transportation under Executive Order No. 11459 shall continue in force and effect until superseded by regulations promulgated by the Secretary of the Treasury under this Order.

SEC. 6. Executive Order No. 11459 of March 7, 1969, is superseded.

Executive Order 12535—Prohibition of the importation of the South African Krugerrand

SOURCE: The provisions of Executive Order 12535 of Oct. 1, 1985, appear at 50 FR 40325, 3 CFR, 1985 Comp., p. 393, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), in order to take steps additional to those set forth in Executive Order No. 12532 of September 9, 1985, to deal with the unusual and extraordinary threat to the foreign policy and economy of the United States referred to in that Order, and in view of the continuing nature of that emergency, the recommendations made by the United Nations Security Council in Resolution No. 569 of July 26, 1985, and the completion of consultations by the Secretary of State and the United States Trade Representative directed by Section 5(a) of Executive Order No. 12532, it is hereby ordered that the importation into the United States of South African Krugerrands is prohibited effective 12:01 a.m. Eastern Daylight Time October 11, 1985. The Secretary of the Treasury is authorized to promulgate such rules and regulations as may be necessary to carry out this prohibition.

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Executive Order 12538—Imports of refined petroleum products from Libya

SOURCE: The provisions of Executive Order 12538 of Nov. 15, 1985, appear at 50 FR 47527, 3 CFR, 1985 Comp., p. 395, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States, including Section 504 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), and considering that the Libyan government actively pursues terrorism as an instrument of state policy and that Libya has developed significant capability to export petroleum products and thereby circumvent the prohibition imposed by Proclamation No. 4907 of March 10, 1982 and retained in Proclamation No. 5141 of December 22, 1983 on the importation of Libyan crude oil, it is ordered as follows:

SECTION 1. (a) No petroleum product refined in Libya (except petroleum product loaded aboard maritime vessels at any time prior to two days after the effective date of this Executive Order) may be imported into the United States, its territories or possessions.

(b) For the purposes of this Executive Order, the prohibition on importation of petroleum products refined in Libya shall apply to petroleum products which are currently classifiable under Item Numbers: 475.05; 475.10; 475.15; 475.25; 475.30; 475.35; 475.45; 475.65; 475.70 of the Tariff Schedules of the United States (19 U.S.C. 1202).

SEC. 2. The Secretary of the Treasury may issue such rulings and instructions, or, following consultation with the Secretaries of State and Energy, such regulations as he deems necessary to implement this Order.

SEC. 3. This Order shall be effective immediately.

CHAPTER 20—[RESERVED]

CHAPTER 21—FOOD AND DRUGS

Executive Orders

11727	Drug law enforcement
12368	Drug abuse policy functions
12590	National Drug Policy Board
12595	White House Conference for a Drug Free America

Executive Order 11727—Drug law enforcement

Source: The provisions of Executive Order 11727 of July 6, 1973, appear at 38 FR 8357, 5 CFR, 1971-1975 Comp., p. 785, unless otherwise noted.

Reorganization Plan No. 2 of 1973, which becomes effective on July 1, 1973, among other things establishes a Drug Enforcement Administration in the Department of Justice. In my message to the Congress transmitting that plan, I stated that all functions of the Office for Drug Abuse Law Enforcement (established pursuant to Executive Order No. 11641 of January 28, 1972) and the Office of National Narcotics Intelligence (established pursuant to Executive Order No. 11676 of July 27, 1972) would, together with other related functions, be merged in the new Drug Enforcement Administration.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. The Attorney General, to the extent permitted by law, is authorized to coordinate all activities of executive branch departments and agencies which are directly related to the enforcement of laws respecting narcotics and dangerous drugs. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Attorney General in the performance of functions assigned to him pursuant to this order, and the Attorney General may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

SEC. 2. Executive Order No. 11641 of January 28, 1972, is revoked and the Attorney General shall provide for the reassignment of the

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functions of the Office for Drug Abuse Law Enforcement and for the abolishment of that Office.

SEC. 3. Executive Order No. 11676 of July 27, 1972, is hereby revoked and the Attorney General shall provide for the reassignment of the functions of the Office of National Narcotics Intelligence and for the abolishment of that Office.

SEC. 4. [Deleted]

[Sec. 4 amended EO 11708 of Mar. 23, 1973, 38 FR 7979, 3 CFR, 1971-1975 Comp., p. 758, which was superseded by EO 11768 of Feb. 20, 1974.]

SEC. 5. The Attorney General shall provide for the winding up of the affairs of the two offices and for the reassignment of their functions.

SEC. 6. This order shall be effective as of July 1, 1973.

Executive Order 12368—Drug abuse policy functions

SOURCE: The provisions of Executive Order 12368 of June 24, 1982, appear at 47 FR 27843, 3 CFR, 1982 Comp., p. 190, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 202 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1112), and in order to clarify the performance of drug abuse policy functions within the Executive Office of the President, it is hereby ordered as follows:

SECTION 1. The Office of Policy Development has been assigned to assist the President and the National Drug Policy Board in the performance of the drug policy functions contained in Section 201 of Title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1111). Within the Office of Policy Development, the Director of the Drug Abuse Policy Office shall be primarily responsible for assisting the President and the Board in the performance of those functions.

[Sec. 1 amended by EO 12590 of Mar. 26, 1987, 52 FR 10021, 3 CFR, 1987 Comp., p. 218]

SEC. 2. The National Drug Policy Board is designated to direct all the activities under Title II of that Act, in accord with Section 202 (21 U.S.C. 1112). In particular, the National Drug Policy Board shall be primarily responsible for assisting the President in formulating policy for, and in coordinating and overseeing, international as well as domestic drug abuse functions by all Executive agencies.

[Sec. 2 amended by EO 12590 of Mar. 26, 1987, 52 FR 10021, 3 CFR, 1987 Comp., p. 218]

SEC. 3. The Director of the Drug Abuse Policy Office shall be directly responsible for the activities of a drug policy staff within the Office of Policy Development.

SEC. 4. Executive Order No. 12133 of May 9, 1979, is revoked.

Executive Order 12590—National Drug Policy Board

SOURCE: The provisions of Executive Order 12590 of Mar. 26, 1987, appear at 52 FR 10021, 3 CFR, 1987 Comp., p. 218, unless otherwise noted.

Chapter 21—Food and Drugs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 872, 873, 1111, 1112, 1113, 1114, 1202, and 1203 of title 21 of the United States Code, and in order to coordinate the performance of all drug abuse policy functions of the Federal government, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is hereby established the National Drug Policy Board ("the Board").

(b) The Board shall be composed of the following members:

- (1) the Attorney General, who shall serve as Chairman;
- (2) the Secretary of Health and Human Services, who shall serve as Vice Chairman;
- (3) the Secretary of State;
- (4) the Secretary of the Treasury;
- (5) the Secretary of Defense;
- (6) the Secretary of the Interior;
- (7) the Secretary of Agriculture;
- (8) the Secretary of Labor;
- (9) the Secretary of Housing and Urban Development;
- (10) the Secretary of Transportation;
- (11) the Secretary of Energy;
- (12) the Secretary of Education;
- (13) the Director of the Office of Management and Budget;
- (14) the Assistant to the President for National Security Affairs;
- (15) the Director of Central Intelligence;
- (16) the Chief of Staff to the Vice President;
- (17) the Director of the White House Drug Abuse Policy Office; and
- (18) such other members as the President may, from time to time, designate.

SEC. 2. *Functions.* (a) The Board shall facilitate the development and coordination of national drug policy and shall coordinate activities of Executive departments and agencies to reduce the supply and use of illegal drugs, including international activities, enforcement, prevention and education, treatment and rehabilitation, and research relating to illegal drugs.

(b) In furtherance of its responsibilities, the Board shall:

- (1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement, prevention and education, treatment and rehabilitation, and research efforts, including budgetary priorities and national plans and strategies;
- (2) facilitate coordination of efforts of all Executive departments and agencies to halt national and international trafficking of illegal drugs and to reduce drug abuse;
- (3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement and to the reduction of drug abuse; and
- (4) provide policy guidance to the agencies and facilitate resolution of differences in this area concerning interagency activities and other matters affecting two or more agencies.

(c) In order to help coordinate the activities of Executive departments and agencies with responsibility for drug law enforcement and drug abuse reduction, and to supervise implementation of the determinations of the Board, the Chairman shall:

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- (1) advise the Board in matters concerning its responsibilities;
 - (2) make recommendations to the Board for the coordination of drug enforcement and drug abuse reduction activities;
 - (3) correlate and evaluate intelligence and other information to support the activities of the Board;
 - (4) act as primary advisor to the President and the Congress on national and international programs and policies and the implementation of those policies; and
 - (5) perform such other duties as the President may direct.
- (d) The Board shall carry out all duties and responsibilities of the National Drug Enforcement Policy Board, as set forth in Chapter XIII (The National Narcotics Act) of Title II of Public Law 98-473.
- (e) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Office of Management and Budget, or any Office or official thereof.

SEC. 3. *Coordinating Groups.* The Board shall establish a Drug Enforcement Coordinating Group and a Drug Abuse Prevention and Health Coordinating Group. The membership and chairman of each Coordinating Group shall be designated by the Chairman of the Board.

SEC. 4. *Conforming Amendments.*

[Sec. 4 amends EO 12368 of June 24, 1982, Chapter 21, p. 340. The amendments have been incorporated into that order.]

Executive Order 12595—White House Conference for a Drug Free America

SOURCE: The provisions of Executive Order 12595 of May 5, 1987, appear at 52 FR 17383, 3 CFR, 1987 Comp., p. 227, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 1931-1937 of Public Law 99-570 ("the Act"), and to establish and set forth the functions of the White House Conference for a Drug Free America, it is hereby ordered as follows:

SECTION 1. *Establishment and Purposes.* (a) There is established the White House Conference for a Drug Free America within the Executive Office of the President. The Conference will bring together knowledgeable individuals from the public and private sector who are concerned with issues relating to drug abuse education, prevention, and treatment, and the production, trafficking, and distribution of illicit drugs.

(b) The purposes of the Conference are to:

- (1) share information and experiences in order to vigorously and directly attack drug abuse at all levels—local, State, Federal, and international;
- (2) bring public attention to those approaches to drug abuse education and prevention which have been successful in curbing drug abuse and those methods of treatment which have enabled drug abusers to become drug free;
- (3) highlight the dimensions of the drug abuse crisis, to examine the progress made in dealing with such crisis, and to assist in formulating a national strategy to thwart sale and solicitation of illicit drugs and to prevent and treat drug abuse;

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(4) examine the essential role of parents and family members in preventing the basic causes of drug abuse and in successful treatment efforts; and

(5) focus public attention on the importance of fostering a widespread attitude of intolerance for illegal drugs and their use throughout all segments of our society.

(c) The members of the Conference shall be appointed by the President, who shall:

(1) designate the heads of appropriate Executive and military departments and agencies to participate in the Conference;

(2) provide for the involvement in the Conference of other appropriate public officials, including Members of Congress, Governors, and Mayors; and

(3) provide for the involvement in the Conference of private entities, including appropriate organizations, businesses, and individuals.

(d) An Executive Director of the Conference shall be appointed by the President and is delegated the authority to appoint other directors and personnel for the Conference and to make determinations, under Section 1936 of the Act, regarding the number of and compensation of such employees as may be required for the purposes of meeting the responsibilities of the Conference and within the limitations of the budget authority available to the Conference. The Executive Director is authorized to undertake such activities as he may deem necessary to carry out the purposes of the Conference and to prepare for meetings of the Conference members.

(e) A Managing Director of the Conference will be designated to organize and manage the operation of the Conference and to perform such functions as the Executive Director may assign or delegate, and shall act as Executive Director during the absence or disability of the Executive Director or in the event of a vacancy in the office of Executive Director.

(f)(1) The Executive Director of the Conference shall be compensated at a rate not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule (5 U.S.C. 5314).

(2) The Managing Director of the Conference shall be compensated at a rate not to exceed the maximum rate of pay then currently paid for GS-18 of the General Schedule (5 U.S.C. 5332).

SEC. 2. *Functions.* (a) The Conference shall specifically review:

(1) the effectiveness of law enforcement at the local, State, and Federal levels to prevent the sale and solicitation of illicit drugs and the need to provide greater coordination of such programs;

(2) the impact of drug abuse upon American education;

(3) the extent to which Federal, State, and local programs of drug abuse education, prevention, and treatment require reorganization or reform in order to better use the available resources and to ensure greater coordination among such programs;

(4) the impact of current laws on efforts to control international and domestic trafficking of illicit drugs;

(5) the extent to which the sanctions in Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) have been, or should be, used in encouraging foreign states to comply with their international responsibilities respecting controlled substances;

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(6) the circumstances contributing to the initiation of illicit drug usage, with particular emphasis on the onset of drug use by youth; and

(7) the potential approaches and available opportunities for contributing to specific drug free segments of society, such as public transportation, public housing, media, business, workplace, and other areas identified by the Conference.

(b) The Conference shall prepare and transmit a report to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement such recommendations. During the three-year period following the submission of the final report of the Conference, the President will report to the Congress annually on the status and implementation of the findings and recommendations of the Conference.

SEC. 3. *Administration.* (a) The heads of Executive agencies, to the extent permitted by law, shall provide the Conference such information with respect to drug abuse law enforcement, interdiction, and health-related drug abuse matters, including research, as it may require for the purpose of carrying out its functions.

(b) All Federal departments, agencies, and instrumentalities are authorized to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(c) Upon request by the Executive Director, the heads of the Executive and military departments are authorized to detail employees to work with the Executive Director in planning and administering the Conference without regard to the provisions of 5 U.S.C. 3341.

SEC. 4. *General.* (a) The Executive Director is authorized to procure contractual services as necessary to support the purpose and functions of the Conference and other services, as authorized by title 5 U.S.C. 3109.

(b) Notwithstanding any other Executive order, the Administrator of General Services and the Office of Administration, Executive Office of the President, on a reimbursable basis, may provide such administrative services as may be required.

CHAPTER 22—FOREIGN RELATIONS

SUBCHAPTER A—GENERAL

amations

Service courts of friendly foreign forces within the United States

utive Orders

Designating the United States Mission to the United Nations and providing for its direction and administration

Providing for support of United Nations' activities directed to the peaceful settlement of disputes

Designating the Secretary of State and Attorney General as the officers to perform certain functions with respect to the settlement of intercultural conflicts relating to enemy property

Delegating to the Secretary of State the authority of the President to prescribe regulations governing the taking of testimony with respect to the authentication of foreign documents and the fixing of certain fees in connection therewith

Authorizing the Director of the United States Information Agency to exercise certain authority available by law to the Secretary of State and the Director of the Foreign Operations Administration

United States authority and functions in Germany

Delegating to the Secretary of State authority to appoint alternate United States Commissioners to the Caribbean Commission

Delegating to the Secretary of State authority to prescribe the rates or tariffs of fees for official services at United States embassies, legations, and consulates

Designating the Secretary of State to act for the United States in certain matters pertaining to Japanese war criminals

Administration of the Mutual Educational and Cultural Exchange Act of 1961

Authorization for the communication of restricted data by the Department of State

Rules governing the granting, issuing, and verifying of United States passports

Providing for the performance of certain functions heretofore performed by the President with respect to certain facilities constructed and maintained on the borders of the United States

Delegating to the Secretary of State authority to approve or reject recommendations and actions of certain fisheries commissions

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- 11471 Relating to the implementation of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in civil or commercial matters
- 11517 Providing for the issuance and signature by the Secretary of State of warrants appointing agents to return fugitives from justice extradited to the United States
- 11629 Delegation of authority to the Secretary of State to perform the functions vested in the President by Article IV of the Convention between the United States of America and Mexico for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311; TS 912)
- 11742 Delegating to the Secretary of State certain functions with respect to the negotiation of international agreements relating to the enhancement of the environment
- 11772 Delegating certain authority of the President to the Secretary of State
- 12047 Imported objects of cultural significance
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- 12361 Multinational Force and Observers reports
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- 12569 Management of the Compact of Free Association With the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau
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- 12638 Delegation of functions relating to the implementation of the Inter-American Convention on Letters Rogatory and Additional Protocol
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- 10422 Prescribing procedures for making available to the Secretary General of the United Nations certain information concerning United States citizens employed or being considered for employment on the Secretariat of the United Nations
- 10903 Delegating authority of the President with respect to regulations relating to certain allowances and benefits to Government personnel on overseas duty
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- 12137 The Peace Corps
- 12228 Allowances for personnel on foreign duty
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Executive Orders

- 1698 Designating public international organizations entitled to enjoy certain privileges, exemptions, and immunities
- 1699 Extending diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to certain members thereof
- 1931 Extending diplomatic privileges and immunities to Permanent Observers to the Organization of American States and to members of their diplomatic staffs
- 2101 Privileges, immunities and liability insurance for diplomatic missions and personnel
- 2651 Offices of the Commission of the European Communities

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Executive Orders

- 1223 Relating to the performance of functions authorized by the Foreign Assistance Act of 1961, as amended
- 2163 Administration of foreign assistance and related functions
- 2599 Coordination of economic policies for Sub-Saharan Africa
- 2654 Delegating authority to provide assistance for the Nicaraguan resistance

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Executive Orders

- 1044 Interagency coordination of arms control and disarmament matters
- 1958 Administration of arms export controls
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SUBCHAPTER A—GENERAL

Proclamation 3681—Service courts of friendly foreign forces within the United States

SOURCE: The provisions of Proclamation 3681 of Oct. 10, 1965, appear at 30 FR 13049, CFR, 1964-1965 Comp., p. 139, unless otherwise noted.

WHEREAS the Act of June 30, 1944, entitled "An Act to implement the jurisdiction of service courts of friendly foreign forces within the United States, and for other purposes" (58 Stat. 643; 22 U.S.C. 701-706), provides in part as follows:

"Sec. 6. This Act shall be operative with respect to the military, naval, or air force of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration."

WHEREAS there are within the United States military, naval, or air forces of Australia;

WHEREAS the Government of Australia has made known its desire to exercise within the United States jurisdiction over offenses committed by members of their respective military, naval, or air forces; and

WHEREAS the Australian Government has recognized the right of the United States military authorities to exercise jurisdiction over cer-

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tain offenses committed by members of the United States armed forces in Australian territory and are undertaking to make available appropriate facilities for the effective exercise of such jurisdiction:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by Section 6 of the Act of June 30, 1944, do find and declare that the powers and privileges provided in that Act to implement the jurisdiction of courts martial or other military tribunals over friendly foreign forces within the United States are necessary for the maintenance of discipline of the military, naval, or air forces of Australia within the United States.

Executive Order 10108—Designating the United States Mission to the United Nations and providing for its direction and administration

SOURCE: The provisions of Executive Order 10108 of Feb. 9, 1950, appear at 15 FR 757, 3 CFR, 1949-1953 Comp., p. 300, unless otherwise noted.

By virtue of the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619), as amended by the act of October 10, 1949, 63 Stat. 734, and as President of the United States, it is hereby ordered as follows:

1. The Representative of the United States to the United Nations, the Deputy Representative of the United States to the United Nations, the Deputy Representative of the United States to the Security Council of the United Nations, representatives of the United States in the Economic and Social Council of the United Nations and its Commissions, representatives of the United States in the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee of the United Nations, and representatives to organs and agencies of the United Nations appointed or designated and included within the United States Mission to the United Nations as herein designated, together with their deputies, staffs, and offices,—shall constitute and be known as the United States Mission to the United Nations.

2. The Representative of the United States to the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations. The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secretary of State or by other means of transmission as directed by the President. Instructions to the representatives of the United States Joint Chiefs of Staff and the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee

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the United Nations. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. The Deputy Representative of the United States to the United Nations shall be the Deputy Chief of Mission, who shall act as Chief of Mission in the absence of the Representative of the United States to the United Nations.

5. This order supersedes Executive Order No. 9844 of April 28, 1947, entitled "Designating the United States Mission to the United Nations and Providing for Its Direction and Administration."

Executive Order 10206—Providing for support of United Nations' activities directed to the peaceful settlement of disputes

SOURCE: The provisions of Executive Order 10206 of Jan. 19, 1951, appear at 16 FR 529, 3 CFR, 1949-1953 Comp., p. 388, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the statutes, including the United Nations Participation Act of 1945 (59 Stat. 619), as amended, hereinafter referred to as the Act, and the act of August 8, 1950 (Public Law 673, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, is authorized, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter, to request the Secretary of Defense to detail personnel of the armed forces to the United Nations, and to furnish facilities, services, or other assistance and to loan supplies and equipment to the United Nations in an agreed fair share of the United States under such terms and conditions as the Secretary of State and the Secretary of Defense shall jointly determine and in accordance with and subject to the provisions of paragraphs (1), (2), and (3) of section 7 (a) of the Act, and the Secretary of Defense is authorized to comply with the request of the Secretary of State, giving due regard to the requirements of the national defense.

2. The Secretary of State, in accordance with and subject to the provisions of section 7 (b) of the Act, shall require reimbursement from the United Nations for the expense thereby incurred by the United States whenever personnel or assistance is made available to the United Nations, except that in exceptional circumstances, or when the Secretary of State finds it to be in the national interest, he may, after consultation with the Secretary of Defense, waive, in whole or in part, the requirement of such reimbursement.

3. The Secretary of Defense, in accordance with and subject to the provisions of section 7 (a) (1) of the Act, may authorize personnel of the armed forces detailed to the United Nations to accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso of section 7 (a) (1) of the Act, and (b) extraordinary expenses and perquisites incident to such detail.

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Executive Order 10244—Designating the Secretary of State and Attorney General as the officers to perform certain functions with respect to the settlement of intercustodial conflicts relating to enemy property

SOURCE: The provisions of Executive Order 10244 of May 17, 1951, appear at 16 FR 4639, 3 CFR, 1949-1953 Comp., p. 752, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (50 U.S.C. 1 *et seq.*), as amended, and the act of September 28, 1950 (Public Law 857, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950, and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release, or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

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Executive Order 10307—Delegating to the Secretary of State the authority of the President to prescribe regulations governing the taking of testimony with respect to the authentication of foreign documents and the fixing of certain fees in connection therewith

SOURCE: The provisions of Executive Order 10307 of Nov. 23, 1951, appear at 16 FR 11709, 3 CFR, 1949-1953 Comp., p. 837, unless otherwise noted.

By virtue of the authority vested in me by the act of August 8, 1950, 64 Stat. 419 (3 U.S.C. Supp. 301-303), I hereby delegate to the Secretary of State (1) the authority vested in the President by section 3496 of title 18 of the United States Code (62 Stat. 836) to prescribe regulations governing the manner of executing and returning commissions by consular officers under the provisions of section 3492-3494 of the said title, and schedules of fees allowable to witnesses, foreign counsel, and interpreters under section 3495 of the said title, and (2) the authority vested in the President by section 3492 (c) of title 18 of the United States Code (62 Stat. 835) to prescribe regulations making the provisions of sections 3492-3496 of the said title applicable to diplomatic officers.

Executive Order No. 8298 of December 4, 1939, entitled "Regulations Governing the Manner of Executing and Returning Commissions by Officers of the Foreign Service in Criminal Cases, and Schedule of Fees and Compensation in Such Cases", is hereby revoked.

Executive Order 10477—Authorizing the Director of the United States Information Agency to exercise certain authority available by law to the Secretary of State and the Director of the Foreign Operations Administration

SOURCE: The provisions of Executive Order 10477 of Aug. 1, 1953, appear at 18 FR 4540, 3 CFR, 1949-1953 Comp., p. 958, unless otherwise noted.

By virtue of the authority vested in me by section 2 (d) of Reorganization Plan No. 8 of 1953, and as President of the United States, it is ordered as follows:

SECTION 1. Determination. It is hereby determined that it is necessary, in order to carry out the functions transferred to the Director of the United States Information Agency (hereinafter referred to as the Director) by the provisions of subsections (a), (b), and (c) of section 2 of the said Reorganization Plan No. 8 of 1953, to authorize the Director to exercise, in relation to the respective functions so transferred, the authority specified in sections 2 and 3 hereof.

SEC. 2. [Revoked]

[Sec. 2 revoked by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

SEC. 3. Authority under various other statutes. The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration,¹ as the case may be, under the following-described provisions of law:

¹EDITORIAL NOTE: The Foreign Operations Administration was abolished by Executive Order 10610 of May 9, 1955, 20 FR 3171, 3 CFR, 1954-1958 Comp., p. 250, and its functions were transferred to the Department of State as the International Cooperation Administration and to the Department of Defense. The International Cooperation Admin-

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(a) The Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), regarding the acquisition, construction, alteration, repair, furnishing, exchange, and disposal of buildings and grounds in foreign countries.

(b) The act of July 9, 1949 (5 U.S.C. 170a, b, and c), regarding the transfer, acquisition, use, and disposal of international broadcasting facilities.

(c) The act of August 3, 1950 (19 U.S.C. 1201, par. 1628), regarding the importation of sound recordings.

(d) The provisions under the first heading "Salaries and Expenses" of the Department of State Appropriation Act, 1954, regarding (1) employment of aliens, by contract, for services abroad, (2) purchase of uniforms, (3) cost of transporting to and from a place of storage and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) procurement, by contract or otherwise, of services, supplies, and facilities, as follows: (i) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for Government-owned or leased property abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, ground and living quarters, and the furnishing of living quarters to officers and employees engaged in international information activities abroad (22 U.S.C. 291).

(e) The provisions of the Department of State Appropriation Act, 1954, regarding (1) exchange of funds for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543), (section 103 of the General Provisions of the Department of State Appropriation Act, 1954), (2) payment of travel expenses outside the continental limits of the United States from funds available in the fiscal year that such travel is authorized and actually begins (section 104 of the General Provisions of the Department of State Appropriation Act, 1954), (3) granting authority to the chief of each information Field Staff to approve, with the concurrence of the Chief of Mission, use of Government-owned vehicles for travel under conditions described in section 105 of the General Provisions of the Department of State Appropriation Act, 1954, and (4) purchase with foreign currencies for use abroad of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) at a cost not to exceed the equivalent of \$2,200 for each vehicle (section 106 of the General Provisions of the Department of State Appropriation Act, 1954).

istration was abolished by the Foreign Assistance Act of 1961 (75 Stat. 446, 22 U.S.C. 2382), and its functions were delegated to the Agency for International Development pursuant to the President's letter of Sept. 30, 1961, and Executive Order 10973 of Nov. 1961, 26 FR 10469, 3 CFR, 1959-1963 Comp., p. 493.

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(f) Section 202 of the Revised Statutes of the United States (5 U.S.C. 156), so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

(g) Section 504(d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel), with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(h) Section 161 of the Revised Statutes of the United States (5 U.S.C. 22) and section 4 of the act of May 26, 1949 (5 U.S.C. 151c), regarding the promulgation of rules and regulations and the delegation of authority.

SEC. 4. *Effective date.* This order shall become effective on August 1, 1953.

Executive Order 10608—United States authority and functions in Germany

SOURCE: The provisions of Executive Order 10608 of May 5, 1955, appear at 20 FR 3093, 3 CFR, 1954-1958 Comp., p. 249, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the statutes, including the Foreign Service Act of 1980 (94 Stat. 2071), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

[Preamble amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1. Executive Order No. 10062 of June 6, 1949, and Executive Order No. 10144 of July 21, 1950, amending that order, are hereby revoked, and the position of United States High Commissioner for Germany, established by that order, is hereby abolished.

2. The Chief of the United States Diplomatic Mission to the Federal Republic of Germany, hereinafter referred to as the Chief of Mission, shall have supreme authority, except as otherwise provided herein, with respect to all responsibilities, duties, and governmental functions of the United States in all Germany. The Chief of Mission shall exercise his authority under the supervision of the Secretary of State and subject to ultimate direction by the President.

3. The United States Military Commander having area responsibility in Germany, hereinafter referred to as the Commander, shall have authority with respect to all military responsibilities, duties, and functions of the United States in all Germany, including the command, security, and stationing of United States forces in Germany, the assertion and exercise of their rights and discharge of their obligations therein, and emergency measures which he may consider essential for their protection or the accomplishment of his mission. The Commander may delegate the authority conferred upon him. If action by the Commander or any representative of the Commander, pursuant to the authority herein conferred, affects the foreign policy of the United States or involves relations or negotiations with non-military German authorities, such action shall be taken only after consultation with and agreement by the Chief of Mission or pursuant to procedures previously agreed to between the Chief of Mission and the Commander or his representative.

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Either the Chief of Mission or the Commander may raise with the other any question which he believes requires such consultation. If agreement is not reached between them, any differences may be referred to the Department of State and the Department of Defense for resolution.

4. The Chief of Mission and the Commander or his designated representatives shall, to the fullest extent consistent with their respective missions, render assistance and support to each other in carrying out the agreements and policies of the United States.

5. With regard to the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined or hereafter to be confined in Germany as a result of conviction by military tribunals (A) the Chief of Mission shall share the four-power responsibility in the case of persons convicted by the International Military Tribunal, (B) the Chief of Mission shall exercise responsibility in the case of persons convicted by military tribunals established by the United States Military Governor pursuant to Control Council Law No. 10, and (C) the Commander shall exercise responsibility in the case of persons convicted by other military tribunals established by United States Military Commanders in Germany and elsewhere. The Commander shall, on request of the Chief of Mission, take necessary measures for carrying into execution any sentences adjudged against such persons in category (B) as to whom the Chief of Mission has responsibility and control. Transfer of custody of persons in categories (B) and (C) to the Federal Republic of Germany as provided in the Convention on the Settlement of Matters Arising out of the War and Occupation shall terminate the responsibility of the Chief of Mission and the Commander with respect to such persons to the extent that the responsibility of the United States for them is thereupon terminated pursuant to the provisions of the said Convention.

6. If major differences arise over matters affecting the United States Forces in Germany, such differences may be referred to the Department of State and the Department of Defense for resolution.

7. This order shall become effective on the date that the Convention on Relations between the Three Powers and the Federal Republic of Germany and related Conventions, as amended, come into force.

Executive Order 10609—Delegating to the Secretary of State authority to appoint alternate United States Commissioners to the Caribbean Commission

SOURCE: The provisions of Executive Order 10609 of May 7, 1955, appear at 20 FR 3147, 3 CFR, 1954-1958 Comp., p. 250, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that the Secretary of State be, and he is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by the first section of the Joint Resolution of March 4, 1948, entitled "Joint Resolution providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor" (62 Stat. 66; 22 U.S.C. 280h) as consists

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of authority to appoint alternate United States Commissioners to the Caribbean Commission.

Executive Order 10718—Delegating to the Secretary of State authority to prescribe the rates or tariffs of fees for official services at United States embassies, legations, and consulates

SOURCE: The provisions of Executive Order 10718 of June 27, 1957, appear at 22 FR 4632, 3 CFR, 1954-1958 Comp., p. 382, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby delegated to the Secretary of State the authority vested in the President by section 1745 of the Revised Statutes of the United States (22 U.S.C. 1201) to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate.

SEC. 2. This order shall not operate to amend, supersede, or terminate any rates or tariffs of fees, designations, or adaptations prescribed or made under authority of the said section 1745 and in force immediately prior to the issuance of this order; but authority to amend, supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptations heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

SEC. 3 The rates or tariffs of fees and the regulations prescribed and any other actions taken by the Secretary of State under authority of this order shall be published in the FEDERAL REGISTER.

Executive Order 10747—Designating the Secretary of State to act for the United States in certain matters pertaining to Japanese war criminals

SOURCE: The provisions of Executive Order 10747 of Dec. 31, 1957, appear at 23 FR 43, 3 CFR, 1954-1958 Comp., p. 403, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the Statutes, and as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. The Secretary of State, or his designee, is hereby designated and empowered, without the approval, ratification, or other action of the President, to make on behalf of the Government of the United States of America the decision required by Article 11 of the Treaty of Peace with Japan in those cases in which the Government of Japan has submitted recommendations for reduction of sentence or parole with respect to sentences imposed on Japanese war criminals by tribunals established by the Government of the United States or by the International Military Tribunal for the Far East.

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2. In exercising the authority vested in him by paragraph 1 hereof, the Secretary of State, in general, shall accept the recommendations of the Government of Japan if they are accompanied by findings made by a responsible nonpolitical board, and if he is satisfied that the board has considered all the pertinent matters in each case under consideration, including the trial record, in arriving at its conclusion.

3. Executive Order No. 10393 of September 4, 1952, establishing the Clemency and Parole Board for War Criminals, and Executive Order No. 10613 of May 16, 1955, amending that order, are hereby revoked, and the Clemency and Parole Board for War Criminals is hereby abolished. The records of the said Board shall be turned over to the Department of State on the date of this order.

Executive Order 11034—Administration of the Mutual Educational and Cultural Exchange Act of 1961

SOURCE: The provisions of Executive Order 11034 of June 25, 1962, appear at 27 FR 6071, 3 CFR, 1959-1963 Comp., p. 614, unless otherwise noted.

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527, hereinafter referred to as the Act), and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

SECTION 1. Department of State. (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii), and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act.

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7) and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The function so conferred by Section 104(e)(1) of the Act of prescribing rates for per diem in lieu of subsistence; but in carrying out this said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Education, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act, excluding, however, the re-

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ports for which the Director of the United States Information Agency is responsible under section 2(b) of this order.

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

[Sec. 1 amended by EO 11380 of Nov. 8, 1967, 32 FR 15627, 3 CFR, 1966-1970 Comp., p. 689; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. United States Information Agency. (a) Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1); Section 102(b)(2) to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers; Section 102(b)(4) exclusive of professorships and lectureships; and Sections 102(b)(7) and (8) of the Act; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(2) The functions so conferred by Section 104(e)(4) of the Act (the provisions of Sections 1(a)(4) and 3(b) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(4) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act.

[Sec. 2 amended by EO 11380 of Nov. 8, 1967, 32 FR 15627, 3 CFR, 1966-1970 Comp., p. 689]

SEC. 3. Department of Commerce. Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 4. Department of Education. Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act are hereby delegated to the Secretary of Education.

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[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. *Certain incidental matters.* (a) In respect of functions hereabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education, respectively:

(1) The authority conferred upon the President by Sections 105(d)(2) and (f) and 106(d) and (f) of the Act.

(2) Subject to the provisions of Section 5(b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated without regard to the Classification Act of 1949 under Section 104(b) of the Act shall require prior authorization by the Secretary of State concurred in by the Director of the Office of Management and Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by Section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950). In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act, Executive Order No. 10450 of April 27, 1953 (18 FR 2489) is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated to him, any authority he has under this order.

[Sec. 5 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 6. *Policy guidance.* In order to assure appropriate coordination of programs, and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

SEC. 7. *Functions reserved to the President.* (a) There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act, (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act, (3) the transfer of appropriations under Section 105(c) of the Act, (4) the appointment of members of the Board of Foreign Scholarships under Section 106(a)(1) of the Act, (5) the appointment

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ment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act, (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act, and (7) the submission of annual reports to the Congress under Section 108(b) of the Act.

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

SEC. 8. *Waivers.* (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following-specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) (experts and consultants); but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of \$100.00 per diem.

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) to the extent that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 (40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) to the extent that they pertain to printing by the Government Printing Office.

(11) Section 1 of the Act of June 20, 1878, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

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(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(15) Any provisions of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

[Sec. 8 amended by EO 11380 of Nov. 8, 1967, 32 FR 15627, 3 CFR, 1966-1970 Comp. p. 689]

SEC. 9. *Definition.* As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 10. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

(c) References in this order to this order shall be deemed to include references thereto as amended from time to time.

[Sec. 10 amended by EO 11380 of Nov. 8, 1967, 32 FR 15627, 3 CFR, 1966-1970 Comp. p. 689]

SEC. 11. *Prior directives and actions.* (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962.

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 FR 101-103).

SEC. 12. *Effective date.* The provisions of this order shall be effective immediately.

EDITORIAL NOTE: Executive Order 11034 was further modified by sec. 2 of EO 11380 as set forth below:

SEC. 2. It is hereby determined that the performance by any department or other executive agency of functions authorized by sections 102(a)(2) and 102(a)(3) of the Mutual

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Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451(a)(2) and (3)) without regard to the provisions and limitations referred to in section (8)(a)(15) of Executive Order No. 11034 of June 25, 1962 (to the extent set forth in the latter section) is in furtherance of the purposes of that Act.

Executive Order 11057—Authorization for the communication of restricted data by the Department of State

SOURCE: The provisions of Executive Order 11057 of Oct. 18, 1962, appear at 27 FR 10289, 3 CFR, 1959-1963 Comp., p. 648, unless otherwise noted.

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 et seq.); and as President of the United States, it is ordered as follows:

The Department of State is hereby authorized to communicate, in accordance with the terms and conditions of any agreement for cooperation arranged pursuant to subsection 144b of the Act (42 U.S.C. 2164(b)), such Restricted Data and data removed from the Restricted Data category under subsection 142d of the Act (42 U.S.C. 2162(d)) as is determined

(i) by the President, pursuant to the provisions of the Act, or
(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841, as amended,

to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Department of State in accordance with the terms and conditions of the agreement for cooperation involved: *Provided*, that no such communication shall be made by the Department of State until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Department of State.

EDITORIAL NOTE: Executive Order 11057, insofar as it refers to functions of the Atomic Energy Commission, was modified by Executive Order 12038 of Feb. 3, 1978, Chapter 10, p. 194, to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233).

Executive Order 11295—Rules governing the granting, issuing, and verifying of United States passports

SOURCE: The provisions of Executive Order 11295 of Aug. 5, 1966, appear at 31 FR 10603, 3 CFR, 1966-1970 Comp., p. 570, unless otherwise noted.

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

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SECTION 1. *Delegation of authority.* The Secretary of State if hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by the first section of the Act of July 3, 1926 (22 U.S.C. 211a), to designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports.

SEC. 2. *Superseded orders.* Subject to Section 3 of this order, the following are hereby superseded:

(1) Executive Order No. 7856 of March 31, 1938, entitled "Rules Governing the Granting and Issuing of Passports in the United States."

(2) Executive Order No. 8820 of July 11, 1941, entitled "Amending the Foreign Service Regulations of the United States."

SEC. 3. *Saving provisions.* All rules and regulations contained in the Executive order provisions revoked by Section 2 of this order, and all rules and regulations issued under the authority of those provisions, which are in force at the time of the issuance of this order shall remain in full force and effect until revoked, or except as they may be hereafter amended or modified, in pursuance of the authority conferred by this order, unless sooner terminated by operation of law.

Executive Order 11423—Providing for the performance of certain functions heretofore performed by the President with respect to certain facilities constructed and maintained on the borders of the United States

SOURCE: The provisions of Executive Order 11423 of Aug. 16, 1968, appear at 33 FR 11741, 3 CFR, 1966-1970 Comp., p. 742, unless otherwise noted.

WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities connecting the United States with a foreign country; and

WHEREAS such executive permission has from time to time been sought and granted in the form of Presidential permits for the construction, connection, operation, and maintenance at the borders of the United States of such border crossing facilities as water supply and oil pipelines, aerial tramways and cable cars, submarine cables, and lines for the transmission of electric energy; and

WHEREAS Executive Order No. 10485 of September 3, 1953, empowers the Federal Power Commission¹ to issue permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country and for the importation or exportation of natural gas to or from a foreign country; and

WHEREAS Executive Order No. 10530 of May 10, 1954, empowers the Federal Communications Commission to issue and revoke licenses to land submarine cables in the United States; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance of permits for the construction and maintenance

¹ EDITORIAL NOTE: The Federal Power Commission was terminated and its functions transferred to the Department of Energy by Pub. L. 95-91 (91 Stat. 565, 42 U.S.C. 7101 nt.), effective Oct. 1, 1977.

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of other such facilities connecting the United States with a foreign country:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces of the United States and in conformity with the provisions of Section 301 of Title 3, United States Code, it is ordered as follows:

SECTION 1. (a) Except with respect to facilities covered by Executive Orders No. 10485 and No. 10530, the Secretary of State is hereby designated and empowered to receive all applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of petroleum, petroleum products, coal, minerals, or other products to or from a foreign country; (ii) facilities for the exportation or importation of water or sewage to or from a foreign country; (iii) monorails, aerial cable cars, aerial tramways and similar facilities for the transportation of persons or things, or both, to or from a foreign country; and (iv) bridges, to the extent that congressional authorization is not required.

(b) With respect to applications received pursuant to subsection (a)(i) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Interstate Commerce Commission, and the Director of the Office of Emergency Planning.¹ With respect to applications received pursuant to subsection (a)(ii) above, the Secretary of State shall request the views of the Secretary of Defense and the Secretary of the Interior. With respect to applications received pursuant to subsection (a)(iii) or (iv) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, and the Secretary of Transportation.

(c) The Secretary of State may also consult with such other department and agency heads and with such state and local government officials as he deems appropriate with respect to each application. All federal government officials consulted by the Secretary of State pursuant to this section shall provide such information and render such assistance as he may request, consistent with their competence and authority.

(d) If the Secretary of State finds, after consideration of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would serve the national interest, he shall prepare a permit, in such form and with such terms and conditions as the national interest may in his judgment require, and shall notify the officials required to be consulted under subsection (b) above of his proposed determination that the permit be issued.

(e) If the Secretary of State finds, after considerations of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would not serve the national interest, he shall notify the

¹ EDITORIAL NOTE: The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90-608 (82 Stat. 1194, 50 U.S.C. App. 2271 nt.). The Office of Emergency Preparedness was abolished by Reorganization Plan No. 1 of 1973, 38 FR 9579, 3 CFR, 1971-1975 Comp., p. 1157, effective July 1, 1973.

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officials required to be consulted under subsection (b) above of his proposed determination that the application be denied.

(f) The Secretary of State shall issue or deny the permit in accordance with his proposed determination unless, within fifteen days after notification pursuant to subsection (d) or (e) above, an official required to be consulted under subsection (b) above shall notify the Secretary of State that he disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall refer the application, together with statements of the views of the several officials involved, to the President for his consideration and final decision.

SEC. 2. (a) The Secretary of State may provide for the publication in the FEDERAL REGISTER of notice of receipt of applications, for the receipt of public comments on applications, and for publication in the FEDERAL REGISTER of notice of issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, as he may from time to time deem necessary or desirable for the exercise of the authority conferred upon him by this order.

SEC. 3. The authority of the Secretary of State hereunder is supplemental to, and does not supersede, existing authorities or delegations relating to importation, exportation, transmission, or transportation to or from a foreign country. All permits heretofore issued with respect to matters described in Section 1 of this order, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the President or, upon compliance with the procedures provided for in this order, by the Secretary of State.

Executive Order 11467—Delegating to the Secretary of State authority to approve or reject recommendations and actions of certain fisheries commissions

SOURCE: The provisions of Executive Order 11467 of May 1, 1969, appear at 34 FR 7271, 3 CFR, 1966-1970 Comp., p. 787, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 6(a) of the North Pacific Fisheries Act of 1954 (68 Stat. 699; 16 U.S.C. 1025(a)) to accept or reject, on behalf of the United States, recommendations made by the International North Pacific Fisheries Commission in accordance with the provisions of Article III, section 1, of the International Convention for the High Seas Fisheries of the North Pacific Ocean (signed at Tokyo May 9, 1952, TIAS 2786) and recommendations made by the Commission in pursuance of the provisions of the Protocol to that Convention.

(2) The authority vested in the President by Article III, paragraph 2, of the Convention between the United States of America and Canada

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for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, March 2, 1953, TIAS 2900) to approve or reject actions of the International Pacific Halibut Commission taken pursuant to that paragraph.

SEC. 2. In carrying out his authority under section 1 of this order the Secretary of State shall consult with the Secretary of Commerce.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11471—Relating to the implementation of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in civil or commercial matters

SOURCE: The provisions of Executive Order 11471 of May 28, 1969, appear at 34 FR 8349, 3 CFR, 1966-1970 Comp., p. 791, unless otherwise noted.

The Convention on the Service Abroad of Judicial and Extrajudicial Documents was ratified by the United States of America and proclaimed by the President on January 8, 1969. It came into force on February 10, 1969. The Contracting States have now undertaken to designate authorities to give effect to the Convention's provisions.

In order that the Government of the United States of America may give full and complete effect to the Convention, it is expedient and necessary that several departments of the Executive Branch of that Government perform certain functions.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is ordered as follows:

SECTION 1. *Designation of Central Authority.* The Department of State is designated as the Central Authority to receive requests for service from other Contracting States and to proceed in conformity with articles 3-6 of the Convention.

SEC. 2. *Designation of Authority To Complete Certificate.* The Department of State, the Department of Justice and the United States Marshal or Deputy Marshal for the judicial district in which service is made are designated as authorities to complete the certificate in the form annexed to the Convention.

SEC. 3. *Additional Designations.* The Secretary of State, with the concurrence of the Attorney General in cases involving designations of authority to officers of the Department of Justice, is authorized to make additional designations provided for in the Convention or to modify the designations made by this order.

Executive Order 11517—Providing for the issuance and signature by the Secretary of State of warrants appointing agents to return fugitives from justice extradited to the United States

SOURCE: The provisions of Executive Order 11517 of Mar. 19, 1970, appear at 34 FR 4037, 3 CFR, 1966-1970 Comp., p. 906, unless otherwise noted.

WHEREAS the President of the United States, under section 3192 of Title 18, United States Code, has been granted the power to take all necessary measures for the transportation, safekeeping and security against lawless violence of any person delivered by any foreign govern-

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ment to an agent of the United States for return to the United States for trial for any offense of which he is duly accused; and

WHEREAS fugitives from justice in the United States whose extradition from abroad has been requested by the Government of the United States and granted by a foreign government are to be returned in the custody of duly appointed agents in accordance with the provisions of section 3193 of Title 18, United States Code; and

WHEREAS such duly appointed agents under the provisions of the law mentioned above, being authorized to receive delivery of the fugitive in behalf of the United States and to convey him to the place of his trial, are given the powers of a marshal of the United States in the several districts of the United States through which it may be necessary for them to pass with such prisoner, so far as such power is requisite for the prisoner's safekeeping; and

WHEREAS such warrants serve as a certification to the foreign government delivering the fugitives to any other foreign country through which such agents may pass, and to authorities in the United States of the powers therein conferred upon the agents; and

WHEREAS it is desirable by delegation of functions heretofore performed by the President to simplify and thereby expedite the issuance of such warrants to agents in the interests of the prompt return of fugitives to the United States:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to issue and sign all warrants appointing agents to receive, in behalf of the United States, the delivery in extradition by a foreign government of any person accused of a crime committed within the United States, and to convey such person to the place of his trial.

SEC. 2. Agents appointed in accordance with section 1 of this order shall have all the powers conferred in respect of such agents by applicable treaties of the United States and by section 3193 of Title 18, United States Code, or by any other provisions of United States law.

SEC. 3. [Deleted]

[Sec. 3 amends EO 10347 of Apr. 18, 1952, Chapter 3, p. 12. The amendments have been incorporated into that order.]

Executive Order 11629—Delegation of authority to the Secretary of State to perform the function vested in the President by Article IV of the Convention between the United States of America and Mexico for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311; TS 912)

SOURCE: The provisions of Executive Order 11629 of Oct. 26, 1971, appear at 36 FR 20647, 3 CFR, 1971-1975 Comp., p. 629, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform, without the approval, ratification, or other action of

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the President, the function vested in the President by Article IV of the Convention between the United States of and Mexico for the Protection of Migratory Birds and Game Mammals to determine, by common agreement with the President of Mexico, other species of birds which may be added to the list of migratory birds specified in and subject to the protection of the Convention.

SEC. 2. In carrying out his authority under this Order the Secretary of State shall consult with the Secretary of the Interior.

Executive Order 11742—Delegating to the Secretary of State certain functions with respect to the negotiation of international agreements relating to the enhancement of the environment

SOURCE: The provisions of Executive Order 11742 of Oct. 23, 1973, appear at 38 FR 29457, 3 CFR, 1971-1975 Comp., p. 814, unless otherwise noted.

Under and by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, I hereby authorize and empower the Secretary of State, in coordination with the Council on Environmental Quality, the Environmental Protection Agency, and other appropriate Federal agencies, to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 7 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500; 86 Stat. 898) with respect to international agreements relating to the enhancement of the environment.

Executive Order 11772—Delegating certain authority of the President to the Secretary of State

SOURCE: The provisions of Executive Order 11772 of Mar. 21, 1974, appear at 39 FR 10879, 3 CFR, 1971-1975 Comp., p. 857, unless otherwise noted.

By virtue of the authority vested in me by the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1971, et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, the Secretary of State is hereby designated and empowered to exercise, without ratification, or other action of the President, the function conferred upon the President by Section 5(b) of the Fishermen's Protective Act of 1967, as amended, of certifying to the Congress that it is in the national interest not to transfer to the Fishermen's Protective Fund or to the separate account established under the Act, pursuant to that Section, amounts appropriated by the Congress and programmed for assistance under the Foreign Assistance Act of 1961.

Executive Order 12047—Imported objects of cultural significance

SOURCE: The provisions of Executive Order 12047 of Mar. 27, 1978, appear at 43 FR 13359, 3 CFR, 1978 Comp., p. 167, unless otherwise noted.

By virtue of the authority vested in me by the Act of October 19, 1965, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes" (79

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Stat. 985, 22 U.S.C. 2459), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the United States Information Agency is designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the **FEDERAL REGISTER**.

[Sec. 1 amended by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225]

SEC. 2. The Director of the United States Information Agency, in carrying out this Order, shall consult with the Secretary of State with respect to the determination of national interest, and may consult with the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and with such other officers and agencies of the Government as may be appropriate, with respect to the determination of cultural significance.

[Sec. 2 amended by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225]

SEC. 3. The Director of the United States Information Agency is authorized to delegate within the Agency the functions conferred upon him by this Order.

[Sec. 3 amended by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225]

SEC. 4. Executive Order No. 11312, of October 14, 1966 is revoked.

SEC. 5. Any order, regulation, determination or other action which was in effect pursuant to the provisions of Executive Order No. 11312 shall remain in effect until changed pursuant to the authority provided in this Order.

SEC. 6. This Order shall be effective on April 1, 1978.

Executive Order 12048—International Communication Agency

SOURCE: The provisions of Executive Order 12048 of Mar. 27, 1978, appear at 43 FR 13361, 3 CFR, 1978 Comp., p. 168, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 11 of Reorganization Plan No. 2 of 1977 (42 FR 62461 (December 13, 1977)), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the establishment of the International Communication Agency, it is hereby ordered as follows:

SECTION 1. (a) Reorganization Plan No. 2 of 1977 (42 FR 62461), which establishes the International Communication Agency, except for Section 7(a)(14) thereof, is hereby effective.

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(b) Section 7(a)(14) of Reorganization Plan No. 2 of 1977, relating to the Woodrow Wilson Memorial Act of 1968, shall be effective on July 1, 1978.

SEC. 2. The functions vested in the Secretary of State by Executive Order No. 11312 are assigned and redelegated to the Director of the International Communication Agency. All authority vested in the United States Information Agency or its Director by Executive order is reassigned and redelegated to the International Communication Agency or its Director, respectively.

SEC. 3. In order to ensure appropriate coordination among the Executive agencies, the Director of the International Communication Agency shall exercise primary responsibility for Government-wide policy guidance for international informational, educational, and cultural activities, including exchange programs. The Director shall take into account the statutory functions of the other concerned Executive agencies.

SEC. 4. The Director of the International Communication Agency, with the assistance of the Secretary of Education, shall prepare and submit to the President the reports which the President is to transmit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458).

Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. The functions vested in the President by Sections 108(c) and 108(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, are delegated to the Director of the International Communication Agency; because, (a) such a delegation is in the interest of the purposes expressed in that Act and the efficient administration of the programs undertaken pursuant thereto, (b) the Director is an appropriate official to perform those functions, and (c) those functions are not now delegated to any other officer of the Government.

SEC. 6. The Director of the International Communication Agency shall be the principal adviser to the President, the National Security Council, and the Secretary of State on international informational, educational, and cultural matters. As such, the Director shall provide advice within the policy formulation activities of the National Security Council when such matters are considered. The Director shall ensure that the senior official of the Agency at each diplomatic mission provides advice to the Chief of Mission on such matters. The scope of the Director's advice shall include assessments of the impact of actual and proposed United States foreign policy decisions on public opinion abroad.

SEC. 7. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned, or redelegated as provided in this Order, are hereby transferred to the Director of the International Communication Agency.

SEC. 8. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions, necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer of funds, records, property, and personnel.

SEC. 9. This Order shall be effective on April 1, 1978.

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SEC. 10. In accord with the name change provisions of Section 303 of Public Law 97-241 and effective on August 24, 1982, references in this Order to the International Communication Agency shall be deemed to be references to the United States Information Agency.

[Sec. 10 added by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225]

EDITORIAL NOTE: The International Communication Agency was redesignated as the United States Information Agency by Pub. L. 97-241 (96 Stat. 273, 22 U.S.C. 1461 note).

Executive Order 12143—Maintaining unofficial relations with the people on Taiwan

SOURCE: The provisions of Executive Order 12143 of June 22, 1979, appear at 44 FR 37191, 3 CFR, 1979 Comp., p. 402, unless otherwise noted.

In light of the recognition of the People's Republic of China by the United States of America as the sole legal government of China, and by the authority vested in me as President of the United States of America, by the Taiwan Relations Act (Public Law 96-8, 93 Stat. 14, 22 U.S.C. 3301 *et seq.*, hereinafter referred to as "the Act"), and Section 301 of Title 3 of the United States Code, in order to facilitate the maintenance of commercial, cultural and other relations between the people of the United States and the people on Taiwan without official representation or diplomatic relations, it is hereby ordered as follows:

1-1. *Delegation and Reservation of Functions.*

1-101. Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are delegated to the Secretary of State all functions conferred upon the President by the Act. In carrying out these functions, the Secretary of State shall consult with other departments and agencies as appropriate.

1-102. There are delegated to the Director of the Office of Personnel Management the functions conferred upon the President by paragraphs (1) and (2) of Section 11(a) of the Act. These functions shall be exercised in consultation with the Secretary of State.

1-103. There are reserved to the President the functions conferred upon the President by Section 3, Section 7(a)(3), and the second sentence of Section 9(b), and the determination specified in Section 10(a) of the Act.

1-2. *Specification of Laws and Determinations.*

1-201. Pursuant to Section 7(a) of the Act, I specify the following provisions of law:

- (a) Section 4082 of the Revised Statutes (22 U.S.C. 1172);
- (b) Section 1707 of the Revised Statutes (22 U.S.C. 1173);
- (c) Section 1708 of the Revised Statutes (22 U.S.C. 1174);
- (d) Section 1709 of the Revised Statutes, as amended (22 U.S.C. 1175);
- (e) Section 1710 of the Revised Statutes, as amended (22 U.S.C. 1176);
- (f) Section 1711 of the Revised Statutes, as amended (22 U.S.C. 1177);
- (g) Section 1718 of the Revised Statutes (22 U.S.C. 1185); and
- (h) Section 7 of the Act of April 5, 1906 (22 U.S.C. 1195).

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1-202. Pursuant to Section 9(b) of the Act, and in furtherance of the purposes of the Act, the procurement of services may be effected without regard to the following provisions of law and limitations of authority:

(a) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);
(b) Section 9 of the Act of June 30, 1906 (31 U.S.C. 627), and Section 3679 and 3732 of the Revised Statutes (31 U.S.C. 665; 41 U.S.C. 11), to the extent necessary to permit the indemnification of contractors against unusually hazardous risks, as defined in Institute contracts, consistent, to the extent practicable, with regulations prescribed by the Department of Defense pursuant to the provisions of the Act of August 28, 1958 (50 U.S.C. 1431 *et seq.*), and Executive Order No. 10789 of November 14, 1958, as amended;

(c) Section 3709 of the Revised Statutes and Section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 5, 252);

(d) Section 3710 of the Revised Statutes (41 U.S.C. 8);

(e) Section 2 of Title III of the Act of March 3, 1933 (41 U.S.C. 10a);

(f) Section 3735 of the Revised Statutes (41 U.S.C. 13);

(g) Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)), so as to permit the payment of fees in excess of the prescribed fee limitations, but nothing herein shall be construed as authorizing the use of the cost-plus-a-percentage-of-cost system of contracting;

(h) Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255);

(i) Sections 2 through 16 of the Contract Disputes Act of 1978 (41 U.S.C. 601-613);

(j) Sections 2304, 2305 and 2306(a) through (f) of Title 10 of the United States Code, but nothing herein shall be construed as authorizing the use of the cost-plus-a-percentage-of-cost system of contracting; and

(k) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168).

1-203. (a) With respect to cost-type contracts with the American Institute in Taiwan under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

(b) With respect to contracts heretofore or hereafter made under the Act, other than those described in subsection (a) of this Section, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State determines in each

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case that such action is necessary to protect the foreign policy interests of the United States.

1-204. Pursuant to Section 10(a) of the Act, the Coordination Council for North American Affairs is determined to be the unofficial institutional entity established by the people on Taiwan having the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with the Act.

1-3. *President's Memorandum of December 30, 1978.*

1-301. This Order supersedes my memorandum of December 1978 for all departments and agencies entitled "Relations With People on Taiwan" (44 FR 1075). Agreements and arrangements referred to in paragraph (B) of that memorandum shall continue in force and shall be performed in accordance with the Act and this Order.

Executive Order 12268—Hostage Relief Act of 1980

SOURCE: The provisions of Executive Order 12268 of Jan. 15, 1981, appear at 46 FR 4671, 3 CFR, 1981 Comp., p. 96, unless otherwise noted.

By the authority vested in me as President by the Constitution and the statutes of the United States of America, including the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967; 5 U.S.C. 5561 note) and Section 301 of Title 3 of the United States Code, and in order to provide for the implementation of that Act, it is hereby ordered as follows:

1-101. The functions vested in the President by Sections 103, 105 and 301 of the Hostage Relief Act of 1980 (5 U.S.C. 5561 note) are delegated to the Secretary of State.

1-102. The Secretary of State shall consult with the heads of appropriate Executive agencies in carrying out the functions in Sections 104, and 105 of the Act.

Executive Order 12343—Designation of certain officers to act as Secretary of State

SOURCE: The provisions of Executive Order 12343 of Jan. 27, 1982, appear at 47 FR 4225, 3 CFR, 1982 Comp., p. 128, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 3347 of Title 5 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability or vacancy in office, neither the Secretary of State nor the Deputy Secretary of State, is available to exercise the powers or perform the duties of the Office of the Secretary, an officer from the Department of State who has been appointed by the President, by and with the advice and consent of the Senate, in such order as the Secretary of State may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, then such officers shall act as Secretary in descending order of rank, as established by the listing of their offices in Sections 5314 or 5315 of Title 5 of the United States Code, and each level of the Executive Schedule in the order in which they shall have taken the oath as such officers.

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SEC. 2. The President may at any time, pursuant to law but without regard to the foregoing provisions of this Order, direct that an officer specified by the President shall act as Secretary of State.

SEC. 3. Executive Order No. 10839 is revoked.

Executive Order 12361—Multinational Force and Observers reports

SOURCE: The provisions of Executive Order 12361 of Apr. 27, 1982, appear at 47 FR 18113, 3 CFR, 1982 Comp., p. 182, unless otherwise noted.

By the authority vested in me as President of the United States of America by the Multinational Force and Observers Participation Resolution (Public Law 97-132, 95 Stat. 1693) and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The reporting function conferred upon the President by Section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425) is delegated to the Secretary of State.

SEC. 2. *Interagency Coordination.* In the exercise of the function conferred on the Secretary of State by Section 1 of this Order, the Secretary of State shall consult with the Director of the Office of Management and Budget, the Secretary of Defense, the Director of the United States Arms Control and Disarmament Agency, the Assistant to the President for National Security Affairs, and the heads of other Executive agencies as appropriate.

Executive Order 12374—Reports on international organizations

SOURCE: The provisions of Executive Order 12374 of July 28, 1982, appear at 47 FR 12903, 3 CFR, 1982 Comp., p. 201, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 306 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2226), and Section 301 of Title 3 of the United States Code, and to provide for reports to the Congress on United States contributions to international organizations, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by Section 306(b)(1) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2226(b)(1)), are delegated to the Secretary of State.

SEC. 2. The Director of the Office of Management and Budget shall furnish to the Secretary of State those reports which the Director receives from agencies pursuant to the provisions of Section 306(b)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2226(b)(2)).

SEC. 3. The functions vested in the President by Sections 104(c) and 108(d) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) are delegated to the Secretary of State.

[Sec. 3 added by EO 12408 of Feb. 23, 1983, 48 FR 8035, 3 CFR, 1983 Comp., p. 154]

Executive Order 12453—Delegation to the Secretary of State

SOURCE: The provisions of Executive Order 12453 of Dec. 23, 1983, appear at 48 FR 57101, 3 CFR, 1983 Comp., p. 224, unless otherwise noted.

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By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, in order to assign certain functions to the Secretary of State, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by Section 620 of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1984 (H.R. 3223) ("the Act"), as enacted into law by Section 101(d) of the Joint Resolution "Making further continuing appropriations for the fiscal year 1984" (Public Law 98-151), and any function, which may be vested in the President by any other legislation, requiring the submission of periodic reports to Congress as a condition for the payment of United States funds in satisfaction of guarantees or assurances given by the United States with respect to loans made and credits extended to the Polish People's Republic, are delegated to the Secretary of State.

SEC. 2. Before making the determination and providing the written reports referred to in Section 620 of the Act, as enacted into law by Section 101(d) of Public Law 98-151, or in any other legislation which contains a reporting requirement referred to in Section 1 above, the Secretary of State shall confer with the Secretary of the Treasury and, as appropriate, with the Secretary of Agriculture and the heads of other interested Executive departments and agencies.

Executive Order 12478—Transfer of authority to the Secretary of State to make reimbursements for protection of foreign missions to international organizations

SOURCE: The provisions of Executive Order 12478 of May 23, 1984, appear at 49 FR 22053, 3 CFR, 1984 Comp., p. 211, unless otherwise noted.

By authority vested in me as President by the Constitution and statutes of the United States of America, and in accordance with the provisions of the Act of December 31, 1975, Public Law 94-196 (89 Stat. 1109), codified as sections 202(7) and 208(a) of Title 3, United States Code, as amended, it is hereby ordered as follows:

SECTION 1. There is transferred to the Secretary of State authority to determine the need for and to approve terms and conditions of the provision of reimbursable extraordinary protective activities for foreign diplomatic missions pursuant to section 202(7), and the authority to make reimbursements to State and local governments for services, personnel, equipment, and facilities pursuant to section 208(a) of Title 3, United States Code;

SEC. 2. There are transferred to the Secretary of State such unexpended moneys as may have been appropriated to the Department of the Treasury for the purpose of permitting reimbursements to be made under the provisions of section 208(a) of Title 3, United States Code;

SEC. 3. The authority transferred pursuant to this Order shall be exercised in coordination with protective security programs administered by the Secretary of State under the Foreign Missions Act of 1982; authority available under that Act may also be applied to any foreign mission to which section 202(7) applies; and

SEC. 4. This Order shall be effective on October 1, 1984.

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Executive Order 12517—Delegation concerning the United States-India Fund for Cultural, Educational, and Scientific Cooperation

SOURCE: The provisions of Executive Order 12517 of May 29, 1985, appear at 50 FR 23105, 3 CFR, 1985 Comp., p. 348, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the United States-India Fund for Cultural, Educational, and Scientific Cooperation to the Secretary of State, it is hereby ordered as follows:

SECTION 1. All functions vested in the President by the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (Title IX of Public Law 98-164, 97 Stat. 1051; "the Act") are delegated to the Secretary of State.

SEC. 2. India rupees provided to the President for purposes of Title IX of the Act and under Title III of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Public Law 98-411, 98 Stat. 1545) are allocated to the Secretary of the Treasury for investment to generate earnings for purposes of Title IX of the Act.

Executive Order 12555—Protection of cultural property

SOURCE: The provisions of Executive Order 12555 of Mar. 10, 1986, appear at 51 FR 8475, 3 CFR, 1986 Comp., p. 212, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of Public Law 97-446; hereinafter referred to as the "Act"), and Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *United States Information Agency.* The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Sci-

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entific and Cultural Organization (hereinafter referred to as the "Convention").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(g) The functions conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the Cultural Property Advisory Committee by the President prior to extensions of emergency import restrictions.

(h) The functions conferred by sections 306(f)(6) and 306(g) relating to the receipt of reports prepared by the Cultural Property Advisory Committee.

(i) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

SEC. 2. *Department of State.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State, acting in consultation with and with the participation of the Director of the United States Information Agency and in consultation with the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(b) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(c) The functions conferred by section 303(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

SEC. 3. *Department of the Treasury.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

(a) Subject to subsection (b) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(b) Subject to subsection (f) and (g) of Section 1 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

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SEC. 4. *Enforcement in Territories and Other Areas.* The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

Executive Order 12569—Management of the Compact of Free Association With the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau

SOURCE: The provisions of Executive Order 12569 of Oct. 16, 1986, appear at 51 FR 37171, 3 CFR, 1986 Comp., p. 234, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States, including the Compact of Free Association (the Compact) and Public Law 99-239, (the Act), it is ordered as follows:

SECTION 1. *Responsibility of the Secretary of State.* The Secretary of State shall conduct the government-to-government relations of the United States with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (the "Freely Associated States"), including any subdivisions, officials or persons thereof, and may delegate or allocate such of his authority under this Order to such other United States officials as he may from time to time deem desirable. The authority of the Secretary of State shall include, consistent with Article V of Title One of the Compact and section 105(b)(1) of the Act, the establishment and maintenance of representative offices in the Freely Associated States and supervision of the United States representatives and their staff. The Secretary also shall provide, in accordance with applicable law, for appropriate privileges, immunities, and assistance to representatives to the United States designated by the Governments of the Freely Associated States, together with their officers and staff. In accordance with applicable law and the provisions of this Order, the Secretary also shall have the authority and responsibility to take such other actions as may be necessary and appropriate to ensure that the authorities and obligations of the United States set forth in the Compact and its related agreements and in the laws of the United States as they relate to the conduct of government-to-government relations with the Freely Associated States are carried out. The Secretary shall provide from appropriations made to the Department of State such funds as may be necessary to carry out the provisions of this Order in relation to the activities of the Department of State.

SEC. 2. *Responsibility of the Secretary of the Interior.* The Secretary of the Interior shall be responsible for seeking the appropriation of funds for and, in accordance with the laws of the United States, shall make available to the Freely Associated States the United States economic and financial assistance appropriated pursuant to Article I of Title Two of the Compact; the grant, service, and program assistance appropriated pursuant to Article II of Title Two of the Compact; and all other United States assistance appropriated pursuant to the Compact and its related agreements. The Secretary shall coordinate and monitor any program or any activity by any department or agency of the United States provided to the Freely Associated States and shall coordinate and monitor related economic development planning. This Section shall not apply to services provided by the Department of Defense to the

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Freely Associated States or to activities pursuant to Section 1 of this Order, including activities under the Peace Corps Act.

SEC. 3. *Interagency Group on Freely Associated State Affairs and the Office of Freely Associated State Affairs.*

(a) There is established an Interagency Group on Freely Associated State Affairs for the purpose of providing guidance and oversight with respect to the establishment and implementation of policy concerning the Compact and United States relations with the Freely Associated States.

(b) The Interagency Group shall consist of the Secretary of State or his designee, who shall chair the Group, and of the principal officers or their designees from the Departments of the Interior, Defense, Commerce, Energy, and Justice, the Organization of the Joint Chiefs of Staff, the Office of Management and Budget, the National Security Council, and such other departments and agencies as may from time to time be appropriate.

(c) The Interagency Group shall make such recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States relations with the Freely Associated States. The Interagency Group also shall provide such guidance as it deems appropriate to departments and agencies delegated authority by this Order concerning administration of laws with respect to the Freely Associated States.

(d) If any department or agency charged by this Order with implementation of the Compact or other laws of the United States with respect to the Freely Associated States concludes that noncompliance sanctions pursuant to section 105(g) of the Act are appropriate, it shall make appropriate recommendations to the Interagency Group. The Interagency Group shall consider these recommendations and report its findings to the President for his review in making that determination.

(e)(1) There shall be in the Department of State an Office of Freely Associated State Affairs to conduct United States relations with the Freely Associated States and carry out related matters, as the Secretary of State shall direct or delegate, and provide appropriate support to the Interagency Group.

(2) The Office shall be headed by a Director designated by the Secretary of State, to whom the Secretaries of State, Defense, and the Interior may, to the extent permitted by law, delegate any or all of their respective authorities and responsibilities as described in this Order, including the authority to supervise the United States representatives referred to in Section 4 of this Order. The Director shall serve as Executive Secretary of the Interagency Group.

(3) Personnel additional to that provided by the Secretary of State may be detailed to the Office by the Executive departments and agencies that are members of the Interagency Group, and by other agencies as appropriate. Executive departments and agencies shall, to the extent permitted by law, provide such information, advice, and administrative services and facilities as may be necessary for the fulfillment of the functions of the Office.

SEC. 4. *United States Representatives to the Freely Associated States.*

The United States Representative assigned to a Freely Associated State in accordance with Article V of Title One of the Compact shall represent the Government of the United States in an official capacity in that

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Freely Associated State, and shall supervise the actions of any Executive department or agency personnel assigned permanently or temporarily to that Freely Associated State.

SEC. 5. Cooperation among Executive Departments and Agencies. All Executive departments and agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Group and Office of Freely Associated State Affairs shall facilitate such cooperative measures. Nothing in this Order shall be construed to impair the authority and responsibility of the Secretary of Defense for security and defense matters in or relating to the Freely Associated States.

SEC. 6. Delegation to the Secretary of the Interior. The following authorities are delegated to the Secretary of the Interior:

(a) Reporting to the Congress on economic development plans prepared by the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to sections 102(b) and 103(b) of the Act;

(b) The determination required by section 103(e) of the Act concerning the qualifications of the investment management firm selected by the Government of the Marshall Islands;

(c) Reporting to the Congress with respect to the impact of the Compact of Free Association on the United States territories and commonwealths and on the State of Hawaii, pursuant to section 104(e)(2) of the Act; and

(d) Causing an annual audit to be conducted of the annual financial statements of the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to section 110(b) of the Act.

SEC. 7. Delegation to the Secretary of State. The following authorities are delegated to the Secretary of State:

(a) Reporting to the Congress on crimes in the Federated States of Micronesia and the Marshall Islands which have an impact upon United States jurisdictions, pursuant to sections 102(a)(4) and 103(a)(4) of the Act;

(b) Submitting the certification and report to the Congress for purposes of section 5 of the Fishermen's Protective Act of 1967, pursuant to section 104(f)(3) of the Act; and

(c) Reporting, with the concurrence of the Secretary of Defense, to the Congress on determinations made regarding security and defense, pursuant to section 105(q) of the Act.

SEC. 8. Supersession and Saving Provisions.

(a) Subject to the provisions of Section 9 of this Order, prior Executive orders concerning the former Trust Territory of the Pacific Islands are hereby superseded and rendered inapplicable, except that the authority of the Secretary of the Interior as provided in applicable provisions of Executive Order No. 11021, as amended, shall remain in effect, in a manner consistent with this Order and pursuant to section 105(c)(2) of the Act, to terminate the trust territory government and discharge its responsibilities, at which time the entirety of Executive Order No. 11021 shall be superseded.

(b) Nothing in this Order shall be construed as modifying the rights or obligations of the United States under the provisions of the Compact or as affecting or modifying the responsibility of the Secretary of State

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and the Attorney General to interpret the rights and obligations of the United States arising out of or concerning the Compact.

SEC. 9. *Effective Date.* This Order shall become effective with respect to a Freely Associated State simultaneously with the entry into force of the Compact for that State.

Executive Order 12571—Implementation of the Comprehensive Anti-Apartheid Act

SOURCE: The provisions of Executive Order 12571 of Oct. 27, 1986, appear at 51 FR 39505, 3 CFR, 1986 Comp., p. 238, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Comprehensive Anti-Apartheid Act of 1986 (Public Law 99-440) ("the Act"), and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *Implementation of the Act.* All affected Executive departments and agencies shall take all steps necessary, consistent with the Constitution, to implement the requirements of the Act.

SEC. 2. *Functions of the Department of State.* The Secretary of State shall be responsible for implementing Sections 208, 302 (to the extent it relates to temporary imports), 303(b), 307(a)(2), 317, 318, 401(b)(2), 501(b), 504, 506, and 508 of the Act. Responsibility for transmitting the report required by Section 509 of the Act is delegated to the Secretary of State.

SEC. 3. *Functions of the Department of the Treasury.* The Secretary of the Treasury shall be responsible for implementing Sections 301, 302 (to the extent it relates to permanent imports), 303, 305, 308, 309, 310, 319, 320, 323(a)(1), and 510 of the Act.

SEC. 4. *Functions of the Department of Commerce.* The Secretary of Commerce shall be responsible for implementing Sections 304, 321, and 502(b) of the Act.

SEC. 5. *Functions of the Department of Defense.* The Secretary of Defense shall be responsible for implementing Section 322 of the Act.

SEC. 6. *Functions of the United States Trade Representative.* The United States Trade Representative shall be responsible for implementing Sections 323 (a)(2) and (b) of the Act and Section 402 (except for the imposition of import restrictions).

SEC. 7. *Functions of the Agency for International Development.* The Administrator of the Agency for International Development shall be responsible for implementing Sections 210 (to the extent of determining the existence of food shortages only) and 505 of the Act.

SEC. 8. *Functions of the Department of Transportation.* The Secretary of Transportation shall take the steps specified in Sections 306(a) (2) and (3).

SEC. 9. *Definition of Strategic Minerals.* The Secretary of State shall be responsible, in consultation with the Secretary of Commerce and the Secretary of Defense, for determining which articles are strategic minerals within the meaning of the Act.

SEC. 10. *Regulatory and Enforcement Authority.* The head of each agency assigned functions by this Order is delegated authority under

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Sections 601 and 603 of the Act to the extent that they relate to functions delegated by this Order or conferred by the Act.

SEC. 11. *Coordination and Policy Guidance.* The Secretary of State is responsible for ensuring that implementation of the Act is effectively integrated with and is supportive of the foreign policy of the United States. In carrying out their respective functions and responsibilities, the head of each agency assigned responsibility under this Order shall consult with the heads of other affected agencies.

SEC. 12. *Inter-Agency Coordinating Committee.* An Inter-Agency Coordinating Committee on South Africa is hereby established, under the Chairmanship of the Secretary of State. The Committee shall also include the Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of Commerce, Secretary of Transportation, Secretary of Agriculture, the United States Trade Representative, and other members as appropriate. The Committee shall serve as a forum for consultations on United States policy concerning South Africa and shall monitor implementation of the Act to ensure consistency with United States policy objectives.

SEC. 13. *Reservations of Functions.* All authority not expressly delegated or granted herein is retained by the President. The President retains the authority to exercise any of the authority delegated or granted in this Order.

SEC. 14. *Effective Date.* This Order shall be effective immediately.

Executive Order 12583—Food for Progress

SOURCE: The provisions of Executive Order 12583 of Feb. 19, 1987, appear at 52 FR 5427, 3 CFR, 1987 Comp., p. 201, unless otherwise noted.

By the authority vested in me as President by the laws of the United States of America, including the Food for Progress Act of 1985 (section 1110 of the Food Security Act of 1985, Public Law 99-198; 7 U.S.C. 1736o) ("the Act") and section 301 of Title 3 of the United States Code, and in order to provide for the delegation of certain functions under the Act, it is hereby ordered as follows:

SECTION 1. (a) The function vested in the President by section 1110(b) of the Act of entering into agreements with developing countries is delegated to the Director of the United States International Development Cooperation Agency, and this function may be redelegated to the head of any other agency. This function shall be exercised in accordance with section 112b of Title 1 of the United States Code and applicable regulations and procedures of the Department of State.

(b) The Director of the United States International Development Cooperation Agency shall, in accordance with Section 3 of this Order, transmit to the Congress all reports required by the Act concerning such agreements.

SEC. 2. The functions vested in the President by section 1110(f)(2) of the Act of waiving any minimum tonnage requirements are delegated to the Secretary of Agriculture, who shall exercise this function in accordance with policy guidance provided by the Food Aid Subcommittee of the Development Coordination Committee.

SEC. 3. In order to ensure that the furnishing of commodities under the Act is coordinated with and complements other United States for-

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eign assistance, the exercise of all functions delegated by this Order shall be coordinated through the Food Aid Subcommittee of the Development Coordination Committee.

Executive Order 12638—Delegation of functions relating to the implementation of the Inter-American Convention on Letters Rogatory and Additional Protocol

SOURCE: The provisions of Executive Order 12638 of April 28, 1988, appear at 53 FR 15649, 3 CFR, 1988 Comp., p. 568, unless otherwise noted.

On October 9, 1986, the Senate gave its advice and consent to ratification of the Inter-American Convention on Letters Rogatory and Additional Protocol. The instrument of ratification was signed by the President on November 10, 1986. The Convention and Additional Protocol require that contracting states designate central authorities to give effect to the Convention's provisions.

In order that the Government of the United States of America may give full and complete effect to the Convention and Additional Protocol, it is expedient and necessary that the Department of Justice perform certain functions.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code and as President of the United States of America, it is ordered as follows:

SECTION 1. *Designation of United States Central Authority.* The Department of Justice is designated as the Central Authority to transmit and process letters rogatory and to otherwise proceed in conformity with applicable provisions of the Convention and Additional Protocol.

SEC. 2. *Additional Designations.* The Department of Justice is authorized to make additional designations provided for in the Convention and Additional Protocol.

Executive Order 12648—Relating to the implementation of the Convention on the Civil Aspects of International Child Abduction

SOURCE: The provisions of Executive Order 12648 of Aug. 11, 1988, appear at 53 FR 30637, 3 CFR, 1988 Comp., p. 579, unless otherwise noted.

The United States of America deposited its instrument of ratification of the Hague Convention on the Civil Aspects of International Child Abduction ("Convention") on April 29, 1988. The Convention entered into force for the United States on July 1, 1988. Article 6 of the Convention imposes upon Contracting States an obligation to designate a "Central Authority" for the purpose of discharging certain specified functions.

In order that the Government of the United States of America may give full and complete effect to the Convention, and pursuant to section 7 of the International Child Abduction Remedies Act, Public Law No. 100-309 (1988), it is expedient and necessary that I designate a Central Authority within the Executive branch of said Government:

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of Title 3 of the United States Code and section 7 of the International Child Abduction Remedies Act, it is ordered as follows:

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SECTION 1. *Designation of Central Authority.* The Department of State is hereby designated as the Central Authority of the United States for purposes of the Hague Convention on the Civil Aspects of International Child Abduction. The Secretary of State is hereby authorized and empowered, in accordance with such regulations as he may prescribe, to perform all lawful acts that may be necessary and proper in order to execute the functions of the Central Authority in a timely and efficient manner.

SUBCHAPTER B—FOREIGN SERVICE AND PERSONNEL ON OVERSEAS DUTY

Executive Order 10422—Prescribing procedures for making available to the Secretary General of the United Nations certain information concerning United States citizens employed or being considered for employment on the Secretariat of the United Nations

SOURCE: The provisions of Executive Order 10422 of Jan. 9, 1953, appear at 18 FR 39, 3 CFR, 1949-1953 Comp., p. 921, unless otherwise noted.

WHEREAS the United States has ratified the Charter of the United Nations and is participating in the activities of the United Nations by virtue of the ratification of the said Charter (59 Stat. 1031), and of the authority granted by the United Nations Participation Act of 1945 (59 Stat. 619); and

WHEREAS a Commission of Jurists has advised the Secretary General of the United Nations that he should regard it as of the first importance to refrain from employing or to dismiss from employment on the Secretariat of the United Nations any United States citizen who he has reasonable grounds for believing has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

WHEREAS the Commission of Jurists has also advised that the United States should make available to the Secretary General information on which the Secretary General can make his determination as to whether reasonable grounds exist for believing that a United States citizen employed or being considered for employment on the Secretariat has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

WHEREAS the Commission of Jurists has further advised that the independence of the Secretary General and his sole responsibility to the General Assembly of the United Nations for the selection and retention of staff should be recognized by all Member Nations; and

WHEREAS the Secretary General has declared his intention to use the conclusions and recommendations of the opinion of the said Commission of Jurists as the basis of his personnel policy in discharging the responsibilities entrusted to him by the Charter and staff regulations of the United Nations; and

WHEREAS in the participation by the United States in the activities of the United Nations it is in the interest of the United States that United States citizens who are employees of the Secretariat of the United Nations be persons of the highest integrity and not persons who have been, are, or are likely to be, engaged in espionage or subversive activities against the United States; and

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WHEREAS it is in the interest of the United States to establish a procedure for the acquisition of information by investigation and for its transmission to the Secretary General in order to assist the Secretary General in the exercise of his responsibility for determining whether any United States citizen employed or being considered for employment on the Secretariat has been, is, or is likely to be, engaged in espionage or subversive activities against the United States; and

WHEREAS such procedure should afford opportunity for hearing to any United States citizen employed or being considered for employment on the Secretariat as to whom an investigation discloses derogatory information, so that the person affected may challenge the accuracy of any such information;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution, statutes, and treaties of the United States, including the Charter of the United Nations, and as President of the United States, it is hereby ordered as follows:

PART I—INVESTIGATION OF UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Office of Personnel Management, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the Office of Personnel Management, which shall conduct an investigation.

3(a) Whenever the Office of Personnel Management receives the information forwarded by the Secretary General to the Secretary of State, the Office of Personnel Management shall conduct a National Agency Check. Each National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Office of Personnel Management files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Office of Personnel Management reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Office of Personnel

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Management has not disclosed any derogatory information within the meaning of the standard set forth in Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United States Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.

4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in Part II of this order, the Office of Personnel Management shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such person.

5. Reports of full field investigations shall be forwarded through the Office of Personnel Management to the International Organizations Employees Loyalty Board, established by Part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in Part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by Part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in Part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary General, in as much detail as the Board determines that security considerations permit, the derogatory information disclosed by investigation. This shall be for the purpose of assisting the Secretary General in determining whether or not he should take action with respect to the employee, or the person being considered for employment, prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein.

7. The Secretary of State shall notify the Secretary General in all cases in which no derogatory information has been developed.

[Part I amended by EO 10459 of June 2, 1953, 18 FR 3183, 3 CFR, 1949-1953 Comp., p. 945; EO 10763 of Apr. 23, 1958, 23 FR 2767, 3 CFR, 1954-1958 Comp., p. 411; EO 11890 of Dec. 10, 1975, 40 FR 57775, 3 CFR, 1971-1975 Comp., p. 1064; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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PART II—STANDARD

1. The standard to be used by the Board in making an advisory determination as provided for in paragraph 5 of Part I of this order with respect to a United States citizen who is an employee of, or is being considered for employment by, the United Nations, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

2. Activities and associations of a United States citizen who is an employee or being considered for employment by the United Nations which may be considered in connection with the determination whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States may include one or more of the following:

(a) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(b) Treason or sedition or advocacy thereof.

(c) Advocacy of revolution of force or violence to alter the constitutional form of government of the United States.

(d) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of United States documents or United States information of a confidential or non-public character obtained by the person making the disclosure as a result of his previous employment by the Government of the United States or otherwise.

(e) Performing or attempting to perform his duties, or otherwise acting, while an employee of the United States Government during a previous period, so as to serve the interests of another government in preference to the interests of the United States.

(f) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group or combination of persons, which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

[Part II amended by EO 10459 of June 2, 1953, 18 FR 3183, 3 CFR, 1949-1953 Comp., p. 945; EO 11890 of Dec. 10, 1975, 40 FR 57775, 3 CFR, 1971-1975 Comp., p. 1064]

PART III—OTHER INTERNATIONAL ORGANIZATIONS

The provisions of Parts I and II of this order shall be applicable to United States citizens who are employees of, or are being considered for employment by, other public international organizations of which the United States Government is a member, by arrangement between the executive head of the international organization concerned and the Secretary of State or other officer of the United States designated by the President.

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PART IV—INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

1. There is hereby established in the Office of Personnel Management an International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Office.

2. The Board shall have authority in cases referred to it under this order to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations in such cases, under the standard set forth in Part II of this order, for transmission by the Secretary of State to the executive heads of the international organizations coming under the arrangements made pursuant to Parts I and III of this order.

3. The Board shall make necessary rules and regulations, not inconsistent with the provisions of this order, for the execution of its functions. There shall be included in such rules and regulations provisions for furnishing each person whose case is considered by the Board:

(a) A written statement of the alleged derogatory information, in as much detail as security considerations permit.

(b) An opportunity to answer or comment upon the statement of alleged derogatory information, in writing, and to submit affidavits.

(c) An opportunity for hearing before the Board, or a panel thereof of at least three members, including the right of the person to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information: *Provided*, that the Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security.

4. Based upon all the evidence before it, including such confidential information as it may have in its possession, the Board shall make its determinations in writing, and shall send to each person who is the subject thereof a copy. In cases in which hearing or other action is by a panel of three members, the action or determination of the panel shall constitute the action or determination of the Board, except that rules and regulations pursuant to paragraph 3 of this Part shall be adopted by action of the Board as a whole.

5. Except as otherwise specified in this order, the Office of Personnel Management shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

6. All cases arising under this order which are pending before the Regional Loyalty Boards and the Loyalty Review Board of the Office on the effective date of Executive Order No. 10450 of April 27, 1953, shall on that date be transferred to the Board.

[Part IV added by EO 10459 of June 2, 1953, 18 FR 3183, 3 CFR, 1949-1953 Comp., p. 445; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

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Executive Order 10903—Delegating authority of the President with respect to regulations relating to certain allowances and benefits to Government personnel on overseas duty

SOURCE: The provisions of Executive Order 10903 of Jan. 9, 1961, appear at 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433, unless otherwise noted.

CROSS REFERENCE: Executive Order 11137 of Jan. 7, 1964, Chapter 32, p. 587, modifies Executive Order 10903.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and various provisions of law cited in the body of this order, and as President of the United States, it is hereby ordered as follows:

[Preamble amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 5921(3) of title 5, United States Code, to prescribe regulations defining the term "employee".

(b) The authority vested in the President by subchapter III of chapter 59 of title 5 of the United States Code, to prescribe regulations, including the regulations referred to in sections 5922(b), 5922(c), and 5924(4)(B) of that title (governing, respectively, (1) certain waivers of recovery, (2) the payment of allowances and differentials authorized by said subchapter and certain other matters, and (3) travel expenses for dependents of certain employees).

(c) The authority vested in the President by section 5913 of title 5 of the United States Code, (1) to prescribe regulations governing the allotment to posts in foreign countries, for the purpose stated in that section, of funds available to the departments for administrative expenses, and (2) to designate senior officials of this Government in foreign countries.

(d) The authority vested in the President by other provisions of law (including section 235(2) of title 38 of the United States Code) to prescribe regulations governing representation allowances similar to those authorized by section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085).

(e) The authority vested in the President by section 5912 of title 5 of the United States Code to approve regulations prescribed by heads of agencies (under which employees who are citizens of the United States permanently stationed in foreign countries may be furnished, without cost to them, living quarters, including heat, fuel, and light, in government-owned or rented buildings).

[Sec. 1 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

SEC. 2. [Superseded]

[Sec. 2 superseded by EO 11230 of June 28, 1965, 30 FR 8447, 3 CFR, 1964-1965 Comp., p. 320, and EO 11228 of June 14, 1965, 30 FR 7739, 3 CFR, 1964-1965 Comp., p. 317.]

SEC. 3. [Deleted]

[Sec. 3 amends EO 10624 of July 28, 1955, Chapter 5, p. 59. The amendment has been incorporated into that order.]

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SEC. 4. (a) [Deleted]

(b) The reference in section 1 of Executive Order No. 10853 of November 27, 1959, to the regulations contained in Executive Order No. 10000 of September 16, 1948, shall be deemed to include a reference to the corresponding regulations prescribed in pursuance to the provisions of this order.

[Sec. 4(a) amended EO 10853 of Nov. 27, 1959, which was revoked by EO 12228 of July 24, 1980]

SEC. 5. (a) The following-described Executive order and parts thereof are hereby revoked, subject to the provisions of section 5(b) of this order:

1. Parts I, III, IV, and V of Executive Order No. 10000 of September 16, 1948.

2. Executive Order No. 10011 of October 22, 1948.

3. Executive Order No. 10085 of October 28, 1949.

4. Executive Order No. 10100 of January 28, 1950.

5. Executive Order No. 10187 of December 4, 1950.

6. Executive Order No. 10261 of June 27, 1951.

7. Executive Order No. 10313 of December 14, 1951.

8. Executive Order No. 10391 of September 3, 1952.

9. Executive Order No. 10503 of December 1, 1953.

10. Executive Order No. 10623 of July 23, 1955.

11. Section 1 and, to the extent that it pertains to Executive Order No. 10000, section 3 of Executive Order No. 10636 of September 16, 1955.

(b) Existing rules and regulations prescribed in or pursuant to the Executive order provisions revoked by section 5(a) of this order, other existing rules and regulations pertaining to allowances, differentials, and other benefits corresponding to those authorized by the provisions of law referred to in this order, and actions heretofore taken in pursuance of any thereof, shall remain in effect until hereafter superseded in pursuance of the provisions of this order.

SEC. 6. This order, and such of the regulations prescribed by the Secretary of State, the Director of the Office of Management and Budget, and the Office of Personnel Management thereunder as the Secretary, Director, and Office shall, respectively, determine, shall be published in the FEDERAL REGISTER.

[Sec. 6 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11633—Security clearance program for United States citizens employed directly by the North Atlantic Treaty Organization, the South-East Asia Treaty Organization, and the Central Treaty Organization

SOURCE: The provisions of Executive Order 11633 of Dec. 3, 1971, appear at 36 FR 23197, 3 CFR, 1971-1975 Comp., p. 651, unless otherwise noted.

The United States now participates in the activities of the North Atlantic Treaty Organization (NATO), the South-East Asia Treaty Organization (SEATO), and the Central Treaty Organization (CENTO). The security regulations of these three treaty organizations provide that each participating nation shall be responsible for the security screening

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and security clearance of its own citizens before they are authorized access to the Organization's TOP SECRET, SECRET, or CONFIDENTIAL information. There is no existing program, however, under which United States civilians who are hired directly by these organizations can be screened and cleared for access to such Organization's TOP SECRET, SECRET, or CONFIDENTIAL information while so employed. It is, of course, in the interest of the United States that United States citizens who participate in the activities of NATO, SEATO, and CENTO as direct hire employees of the civil or military agencies of those organizations be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. At the same time, it is a fundamental principle of our Government to protect against unreasonable or unwarranted encroachment on the freedom and privacy of individuals.

I have determined that the provisions and procedures prescribed by this Order are necessary to assure the preservation of the integrity of the classified information of NATO, SEATO, and CENTO, and to protect the national interest. I have also determined that these provisions and procedures recognize the rights of individuals affected thereby and provide maximum possible safeguards to protect such rights.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as Commander-in-Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense shall establish a program and, by regulation, shall prescribe such specific requirements, restrictions, and other safeguards as he considers necessary for the administration of procedures whereby "Certificates of Security Clearance" for the United States citizens directly employed by civil or military agencies of NATO, SEATO, or CENTO may be provided to these international organizations when they so request. Such program shall also provide for the denial, revocation, or suspension of such "Certificates."

SEC. 2. Subject to the provisions of applicable international agreements, the procedures established by the Secretary of Defense shall, insofar as is practical, be similar to those established by him pursuant to the authority vested in him by Executive Order No. 10865 of February 20, 1960, as amended.

SEC. 3. The substance of the criteria, safeguards, and procedures provided in Sections 2, 3, 4, 5, 6, 7, and 9 of Executive Order No. 10865, as amended, shall be incorporated in the regulations of the Secretary of Defense governing the program established hereunder.

SEC. 4. Any authority vested in the Secretary of Defense by this Order may be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

Executive Order 12137—The Peace Corps

SOURCE: The provisions of Executive Order 12137 of May 16, 1979, appear at 44 FR 29023, 3 CFR, 1979 Comp., p. 389, unless otherwise noted.

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501-2523) and Section 301 of Title 3 of the

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United States Code, and as President of the United States of America, it is hereby ordered as follows:

1-1. *Peace Corps.*

1-101. The Peace Corps, which was established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 FR 1789), which was continued in existence in that Department under the Peace Corps Act (the "Act") pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859), and which was transferred to and continued as a component of ACTION by Executive Order No. 11603 of June 30, 1971 (36 FR 12675), shall be an agency within ACTION pursuant to the provisions of this Order.¹

1-102. All references to the "Director" in Part 1-1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1-103. Exclusive of the functions otherwise delegated by or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and by Section 2(b) of Reorganization Plan No. 1 of 1971.

1-104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87-293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1-105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89-135 (79 Stat. 551), are hereby delegated to the Director.

1-106. The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended (22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

¹ EDITORIAL NOTE: The Peace Corps became an independent agency in the executive branch under the provisions of Pub. L. 97-113 (95 Stat. 1540, 22 U.S.C. 2501-1).

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1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1980, pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

[Sec. 1-111 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 and this Order.

1-2. *The Peace Corps Advisory Council.* [Revoked]

[Sec. 1-2 revoked by EO 12399 of Dec. 31, 1982, 48 FR 379, 3 CFR, 1982 Comp., p. 236]

1-3. *Reservation of Functions to the President.*

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. *Incidental Provisions.*

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

[Sec. 1-401 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965, and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

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1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. *National Voluntary Action Program.*

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and non-profit, national and local, occupational, and altruistic) and by individual citizens.

1-6. *Director of ACTION.*

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 *et seq.*), Reorganization Plan No. 1 of 1971, and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the

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Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions.

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

Executive Order 12228—Allowances for personnel on foreign duty

SOURCE: The provisions of Executive Order 12228 of July 24, 1980, appear at 45 FR 49903, 3 CFR, 1980 Comp., p. 271, unless otherwise noted.

By the authority vested in me as President of the United States of America by Sections 7 and 8 of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended (20 U.S.C. 905-906), Section 235 of Title 38 of the United States Code, and Section 301 of Title 3 of the United States Code, and in order to delegate authority with respect to allowances for Veterans Administration personnel and to update existing authorities, it is hereby ordered as follows:

1-101. Payment of the additional compensation authorized by Section 8(a)(2) of the Defense Department Overseas Teachers Pay and Person-

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nel Practices Act of 1959, as amended, shall be governed by the regulations contained in Executive Order No. 10000, as amended, which govern the payment of additional compensation in foreign areas (referred to as foreign post differential), subject to the provisions of Section 8(u) of that Act (20 U.S.C. 906 (a)(2) and (b)).

1-102. The following functions vested in the President are delegated to the Secretary of State:

(a) That part of the functions in Section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act which consists of the authority to prescribe regulations relating to quarters and quarters allowances (20 U.S.C. 905(a)).

(b) The authority in Section 8(a)(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act to prescribe regulations relating to cost of living allowances (20 U.S.C. 906(a)(1)).

(c) The following authority in Section 235 of Title 38 of the United States Code to prescribe rules and regulations:

(1) Section 235(2), except as that section pertains to an allowance similar to that provided for in Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)).

(2) Section 235(3);

(3) Section 235(5);

(4) Section 235(6); and

(5) Section 235(7).

[Sec. 1-102 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-103. The following functions vested in the President by Section 235 of Title 38 of the United States Code are delegated to the Administrator of the Veterans Administration. The authority with respect to the allowances or benefits of paragraphs (1) and (4) of Section 235 which are similar to the benefits and allowances provided in the sections of the Foreign Service Act of 1980, designated in those paragraphs.

[Sec. 1-103 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-104. Executive Order No. 10853, as amended, is revoked. The rules and regulations which were prescribed by the Secretary of State or the Administrator of the Veterans Administration pursuant to Executive Order No. 10853, as amended, and which would be valid if issued pursuant to this Order, shall be deemed to have been issued under this Order.

Executive Order 12293—The Foreign Service of the United States

SOURCE: The provisions of Executive Order 12293 of Feb. 23, 1981, appear at 46 FR 13969, 3 CFR, 1981 Comp., p. 137, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071, 22 U.S.C. 3901 *et seq.*), Section 202 of the Revised Statutes (22 U.S.C. 2656) and Section 301 of Title 3 of the United States Code, and in order to provide for the administration of the Foreign Service of the United States, it is hereby ordered as follows:

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SECTION 1. There are hereby delegated to the Secretary of State those functions vested in the President by Sections 205, 401(a), 302(c), 613, and 801 of the Foreign Service Act of 1980, hereinafter referred to as the Act (22 U.S.C. 3925, 3942(a)(1), 3892(c), 4013, and 4041).

SEC. 2. The Secretary of State shall, in accord with Section 205 of the Act (22 U.S.C. 3925), consult with the Secretary of Agriculture, the Secretary of Commerce, the Director of the United States Information Agency, the Director of the United States International Development Cooperation Agency, the Director of the Office of Personnel Management, and the Director of the Office of Management and Budget, in order to ensure compatibility between the Foreign Service personnel system and other government personnel systems.

[Sec. 2 amended by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225]

SEC. 3. The Secretary of State shall make recommendations to the President through the Director of the Office of Management and Budget whenever action is appropriate under Section 827 of the Act (22 U.S.C. 4067) to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System.

SEC. 4. In accord with Section 402 of the Act (22 U.S.C. 3962), there are established the following salary classes with titles for the Senior Foreign Service (SFS), at basic rates of pay equivalent to that established from time to time for the Senior Executive Service (ES) under Section 5382 of Title 5 of the United States Code.

Career Minister

(a) Basic rate of pay equivalent to ES 6.

Minister-Counselor

(a) Basic rate of pay equivalent to ES 6, or

(b) Basic rate of pay equivalent to ES 5, or

(c) Basic rate of pay equivalent to ES 4.

Counselor

(a) Basic rate of pay equivalent to ES 6, or

(b) Basic rate of pay equivalent to ES 5, or

(c) Basic rate of pay equivalent to ES 4, or

(d) Basic rate of pay equivalent to ES 3, or

(e) Basic rate of pay equivalent to ES 2, or

(f) Basic rate of pay equivalent to ES 1.

SEC. 5. There is hereby delegated to the Secretary of State, without further action by the President, the authority vested in the President by Section 2107 of the Act to the extent necessary to implement the provisions of Section 2101 of the Act, relating to pay and benefits pending conversion.

SEC. 6. (a) Pursuant to Section 211 of the Act (22 U.S.C. 3931), there is established in the Department of State the Board of Examiners for the Foreign Service.

(b) The Board shall be appointed by, and in accordance with regulations prescribed by, the Secretary of State, except that not less than five shall be career members of the Foreign Service and not less than seven shall be appointed as follows.

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(1) not less than five shall be appointed by the heads of the agencies utilizing the Foreign Service personnel system;

(2) not less than one shall be a representative appointed by the Director of the Office of Personnel Management; and

(3) not less than one shall be a representative appointed by the Secretary of Labor.

(c) The Secretary of State shall designate from among the members of the Board a Chairman who is a member of the Service.

(d) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

SEC. 7. For the purpose of ensuring the accuracy of information used in the administration of the Foreign Service Retirement and Disability System, the Secretary of State may request from the Secretary of Defense and the Administrator of Veterans Affairs such information as the Secretary deems necessary. To the extent permitted by law: (a) The Secretary of Defense shall provide information on retired or retainer pay provided under Title 10, United States Code; and, (b) the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code. The Secretary, in consultation with the officials from whom information is requested, shall ensure that information made available under this Order is used only for the purpose authorized.

SEC. 8. The first seven Sections of this Order shall be effective as of February 15, 1981.

[Sec. 8 amended by EO 12363 of May 21, 1982, 47 FR 22497, 3 CFR, 1982 Comp., p. 183]

SEC. 9. (a) Pursuant to Section 210 of the Act there is established in the Department of State the Board of the Foreign Service (22 U.S.C. 3930).

(b) The Board shall be composed of the designated number of representatives of the heads of the following agencies:

(1) Department of State, four members, at least three of whom must be career members of the Senior Foreign Service;

(2) United States Information Agency, two members, one of whom must be a career member of the Senior Foreign Service;

(3) United States International Development Cooperation Agency, two members, one of whom must be a career member of the Senior Foreign Service;

(4) Department of Agriculture, two members, one of whom must be a career member of the Senior Foreign Service;

(5) Department of Commerce, two members, one of whom must be a career member of the Senior Foreign Service;

(6) Department of Labor, one member;

(7) Office of Personnel Management, one member;

(8) Office of Management and Budget, one member; and,

(9) Equal Employment Opportunity Commission, one member;

(c) The membership of the Board shall be selected from among officials who are knowledgeable in matters concerning the management of the Foreign Service. Except for the career members of the Senior Foreign Service from the Department of Agriculture, the Department of Commerce, the United States Information Agency, and the United States International Development Cooperation Agency, the members of

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the Board shall be selected from among those who have the rank of Assistant Secretary or higher or a position of comparable responsibility.

(d) The Secretary of State may from time to time request the heads of other agencies to designate representatives to participate in the functions of the Board on a regular or occasional basis.

(e) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

[Sec. 9 added by EO 12363 of May 21, 1982, 47 FR 22497, 3 CFR, 1982 Comp., p. 181; amended by EO 12388 of Oct. 14, 1982, 47 FR 46245, 3 CFR, 1982 Comp., p. 225; EO 12536 of Oct. 9, 1985, 50 FR 41477, 3 CFR, 1985 Comp., p. 394]

Sec. 10. Pursuant to Section 202(a)(2)(B) and (a)(3)(B) of the Act (22 U.S.C. 3922(a)(2)(B), (a)(3)(B)), it is hereby determined to be necessary, in order to enable the Department of Agriculture and the Department of Commerce to carry out functions which require service abroad, for the respective Secretaries, in consultation with the Office of Personnel Management and the Office of Management and Budget, to be able to utilize the Foreign Service personnel system with respect to personnel of the following:

(a) The Animal and Plant Health Inspection Service of the Department of Agriculture, not to exceed 125 positions, without the prior approval of the Director of the Office of Personnel Management;

(b) The United States Travel and Tourism Administration, and the International Trade Administration of the Department of Commerce, not to exceed 30 positions without the prior approval of the Director of the Office of Personnel Management, and providing that assignments to such positions be administered consistent with policies of the Foreign Commercial Service established under Executive Order No. 12188.

[Sec. 10 added by EO 12363 of May 21, 1982, 47 FR 22497, 3 CFR, 1982 Comp., p. 183]

Executive Order 12598—Victims of terrorism compensation

SOURCE: The provisions of Executive Order 12598 of June 17, 1987, appear at 52 FR 23421, 3 CFR, 1987 Comp., p. 233, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399, 100 Stat. 853) ("the Act"), and in order to provide for the implementation of that Act, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by that part of section 803(a) of the Act to be codified at 5 U.S.C. 5569 are delegated to the Secretary of State.

SEC. 2. The functions vested in the President by that part of section 803(a) of the Act to be codified at 5 U.S.C. 5570 are delegated to the Secretary of State, to be exercised in consultation with the Secretary of Labor.

SEC. 3. The functions vested in the President by section 806(a) (to be codified at 37 U.S.C. 559), section 806(c) (to be codified at 10 U.S.C. 1095), and section 806(d) (to be codified at 10 U.S.C. 2181-2185) are delegated to the Secretary of Defense.

SEC. 4. The functions vested in the President by section 806(b) (to be codified at 10 U.S.C. 1051) are delegated to the Secretary of Defense, to be exercised in consultation with the Secretary of Labor.

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SEC. 5. The Secretaries of State and Defense shall consult with each other and with the heads of other appropriate Executive departments and agencies in carrying out their functions under this Order.

SEC. 6. Executive Order No. 12576 of December 2, 1986, is hereby superseded.

SUBCHAPTER C—DIPLOMATIC PRIVILEGES AND IMMUNITIES

Executive Order 9698—Designating public international organizations entitled to enjoy certain privileges, exemptions, and immunities

SOURCE: The provisions of Executive Order 9698 of Feb. 19, 1946, appear at 11 FR 109, 3 CFR, 1943-1948 Comp., p. 508, unless otherwise noted.

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (Public Law 291, 79th Congress), and having found that the United States participates in the following-named international organizations pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation therefor, I hereby designate such organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act:

The Food and Agriculture Organization.

The International Labor Organization.

The United Nations.

With respect to the designation of such other international organizations as may be entitled to the privileges, exemptions, and immunities conferred by the said Act, the Department of State is hereby designated the agency to receive applications for the granting of such privileges, exemptions, and immunities. The Secretary of State shall require such information as he may deem necessary from the international organizations making such applications, and shall submit recommendations to the President as to whether the applicant organizations should be designated as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act.

EO 9698 amended by EO 10083 of Oct. 10, 1949, 14 FR 6161, 3 CFR, 1949-1953 Comp., 284; EO 10533 of June 3, 1954, 19 FR 3289, 3 CFR, 1954-1958 Comp., p. 194]

FURTHER NOTE: The following public international organizations, together with the Executive Orders which so designated them, are entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act, and are considered as public international organizations of which the United States is a member by treaty or statute within the meaning of section 316(b) of the Act and as public international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act:

African Development Bank (EO 12403, Feb. 8, 1983)

African Development Fund (EO 11977, Mar. 14, 1977)

Asian Development Bank (EO 11334, Mar. 7, 1967)

Caribbean Organization (EO 10983, Dec. 30, 1961)

Commission for the Study of Alternatives to the Panama Canal (EO 12567, Oct. 2, 1986)

Criminal Police Organization (EO 12425, June 16, 1983)

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- Customs Cooperation Council (EO 11596, June 5, 1971)
- European Space Research Organization (EO 11760, Jan. 17, 1974)
- Food and Agriculture Organization, The (EO 9698, Feb. 19, 1946)
- Great Lakes Fishery Commission (EO 11059, Oct. 23, 1962)
- Inter-American Defense Board (EO 10228, Mar. 26, 1951)
- Inter-American Development Bank (EO 10873, Apr. 8, 1960)
- Inter-American Institute for Cooperation on Agriculture (EO 9751, July 11, 1946)
- Inter-American Investment Corporation (EO 12567, Oct. 2, 1986)
- Inter-American Statistical Institute (EO 9751, July 11, 1946)
- Inter-American Tropical Tuna Commission (EO 11059, Oct. 23, 1962)
- Intergovernmental Committee for European Migration (formerly the Provisional Intergovernmental Committee for the Movement of Migrants from Europe) (EO 10335, Mar. 28, 1952)
- Intergovernmental Maritime Consultative Organization (EO 10795, Dec. 13, 1958)
- International Atomic Energy Agency (EO 10727, Aug. 31, 1957)
- International Bank for Reconstruction and Development (EO 9751, July 11, 1946)
- International Centre for Settlement of Investment Disputes (EO 11966, Jan. 19, 1977)
- International Civil Aviation Organization (EO 9863, May 31, 1947)
- International Coffee Organization (EO 11225, May 22, 1965)
- International Committee of the Red Cross (EO 12643, June 23, 1988)
- International Cotton Advisory Committee (EO 9911, Dec. 19, 1947)
- International Development Association (EO 11966, Jan. 19, 1977)
- International Fertilizer Development Center (EO 11977, Mar. 14, 1977)
- International Finance Corporation (EO 10680, Oct. 2, 1956)
- International Food Policy Research Institute (EO 12359, Apr. 22, 1982)
- International Hydrographic Bureau (EO 10769, May 29, 1958)
- International Institute for Cotton (EO 11283, May 27, 1966)
- International Joint Commission—United States and Canada (EO 9972, June 25, 1948)
- International Labor Organization, The (functions through staff known as The International Labor Office) (EO 9698, Feb. 19, 1946)
- International Maritime Satellite Organization (EO 12238, Sept. 12, 1980)
- International Monetary Fund (EO 9751, July 11, 1946)
- International Pacific Halibut Commission (EO 11059, Oct. 23, 1962)
- International Secretariat for Volunteer Service (EO 11363, July 20, 1967)
- International Telecommunication Union (EO 9863, May 31, 1947)
- International Telecommunications Satellite Organization (EO 11718, May 14, 1973)
- International Wheat Advisory Committee (EO 9823, Jan. 24, 1947)
- Multilateral Investment Guarantee Agency (EO 12647, Aug. 2, 1988)
- Multinational Force and Observers (EO 12359, Apr. 22, 1982)
- Organization for European Economic Cooperation (EO 10133, June 27, 1950) (now known as the Organization for Economic Cooperation and Development; 28 FR 2959, Mar. 26, 1963)
- Organization of African Unity (EO 11767, Feb. 19, 1974)
- Organization of American States (includes Pan American Union) (EO 10533, June 3, 1954)
- Pacific Salmon Commission (EO 12567, Oct. 2, 1986)
- Pan American Health Organization (includes Pan American Sanitary Bureau) (EO 10864, Feb. 18, 1960)
- Preparatory Commission of the International Atomic Energy Agency (EO 10727, Aug. 31, 1957)
- Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization (EO 9887, Aug. 22, 1947)
- South Pacific Commission (EO 10086, Nov. 25, 1949)

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United International Bureau for the Protection of Intellectual Property (EO 11484, Sept. 29, 1969)

United Nations (EO 9698, Feb. 19, 1946)

United Nations Educational, Scientific, and Cultural Organization (EO 9863, May 31, 1947)

United Nations Industrial Development Organization (EO 12628, Mar. 8, 1988)

Universal Postal Union (EO 10727, Aug. 31, 1957)

World Health Organization (EO 10025, Dec. 30, 1948)

World Intellectual Property Organization (EO 11866, June 18, 1975)

World Meteorological Organization (EO 10676, Sept. 1, 1956)

World Tourism Organization (EO 12508, Mar. 22, 1985)

Executive Order 11689—Extending diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to certain members thereof

SOURCE: The provisions of Executive Order 11689 of Dec. 5, 1972, appear at 37 FR 2497, 3 CFR, 1971-1975 Comp., p. 732, unless otherwise noted.

By virtue of the authority vested in me by the Act of October 18, 1972 (Public Law 92-499), and as President of the United States, I hereby extend to the Mission to the United States of America of the Commission of the European Communities, and to the officers of that Mission assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic missions accredited to the United States and by members of the diplomatic staffs thereof.

Executive Order 11931—Extending diplomatic privileges and immunities to Permanent Observers to the Organization of American States and to members of their diplomatic staffs

SOURCE: The provisions of Executive Order 11931 of Aug. 3, 1976, appear at 41 FR 2489, 3 CFR, 1976 Comp., p. 140, unless otherwise noted.

By virtue of the authority vested in me by the Act of November 7, 1973 (87 Stat. 560; 22 U.S.C. 288g), and as President of the United States of America, I extend to Permanent Observers to the Organization of American States, and to the members of the diplomatic staffs of such Permanent Observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

This Executive order shall be effective as of November 7, 1973. The enjoyment of privileges and immunities extended hereunder shall be subject to any Agreements entered into between the Government of the United States and the Organization of American States after that date.

Executive Order 12101—Privileges, immunities and liability insurance for diplomatic missions and personnel

SOURCE: The provisions of Executive Order 12101 of Nov. 17, 1978, appear at 43 FR 5693, 3 CFR, 1978 Comp., p. 258, unless otherwise noted.

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By the authority vested in me as President of the United States of America by the Diplomatic Relations Act (Public Law 95-393, 92 Stat. 808; 22 U.S.C. 254a *et seq.*) and Section 301 of Title 3 of the United States Code, in order to implement the liability insurance and other requirements relating to diplomatic personnel, I hereby designate and empower the Secretary of State to perform, without the approval, ratification, or other action of the President, the functions vested or to be vested in the President by Section 4 of Diplomatic Relations Act (92 Stat. 809; 22 U.S.C. 254c).

[EO 12101 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 12651—Offices of the Commission of the European Communities

SOURCE: The provisions of Executive Order 12651 of Sept. 9, 1988, appear at 53 FR 35287, 3 CFR, 1988 Comp., p. 581, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and the Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof, 22 U.S.C. Sec. 288h, I hereby extend to the Permanent Observer Mission of the Delegation of the Commission of the European Communities to the United Nations the same privileges and immunities as are accorded to permanent observer missions of states to the United Nations. I also hereby extend to the members of the diplomatic staff of that mission assigned to New York to observe the work of the United Nations and duly notified to the United States Government and the United Nations in that capacity, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are accorded to members of the diplomatic staff of missions accredited to the United Nations.

Pursuant to the same authority, I also hereby extend to the West Coast Office of the Delegation of the Commission of the European Communities and to the officers and employees of that mission assigned to San Francisco to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the privileges and immunities, subject to corresponding conditions and obligations, substantively equivalent to those accorded consular premises, consular officers, and consular employees pursuant to the Vienna Convention on Consular Relations. For the purpose of extending privileges and immunities to the West Coast Office of the Delegation of the Commission of the European Communities, its official functions shall consist in:

- (a) protecting in the United States the interests of the European Communities within the limits permitted by domestic and international law;
- (b) furthering the development of commercial, economic, cultural, and scientific relations between the European Communities and the United States and otherwise promoting friendly relations between them;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural, and scientific life of the United

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States, reporting thereon to the European Communities and giving information to persons interested.

Pursuant to the same authority, I also hereby extend to the members of the administrative and technical staff and members of the service staff of the Delegation of the Commission of the European Communities assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by members of the administrative and technical staff and members of the service staff of diplomatic missions accredited to the United States.

This order is not intended to abridge in any respect privileges, exemptions or immunities that the Delegation of the Commission of the European Communities may have acquired or may acquire by international agreements or by Congressional action.

SUBCHAPTER D—FOREIGN ASSISTANCE AND MUTUAL SECURITY

Executive Order 11223—Relating to the performance of functions authorized by the Foreign Assistance Act of 1961, as amended

SOURCE: The provisions of Executive Order 11223 of May 12, 1965, appear at 30 FR 6035, 3 CFR, 1964-1965 Comp., p. 312, unless otherwise noted.

CROSS REFERENCE: Section 302 of Executive Order 11603 of June 30, 1971, 36 FR 12675, 3 CFR, 1970-1975 Comp., p. 573, which was superseded by EO 12137 of May 16, 1979, this chapter, p. 390, contained a determination relating to this order.

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended:

SECTION 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529).

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of Title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

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(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015, as amended (46 U.S.C. 1241(a)).

SEC. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, and any predecessor legislation:

(1) Section 2276(a) of Title 10 of the United States Code.

(2) Section 2313(b) of Title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

SEC. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Director of the United States International Development Cooperation Agency (with respect to functions in or delegated to the Director) determines in each case that such action is necessary to protect the foreign policy interests of the United States.

[Sec. 4 amended by EO 12163 of Sept. 29, 1979, 44 FR 56673, 3 CFR, 1979 Comp., p. 435]

SEC. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

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SEC. 6. I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act, relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

- (1) Title IX of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 541-544);
- (2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a);
- (3) Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168); and
- (4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759).

[Sec. 6 added by EO 12178 of Dec. 10, 1979, 44 FR 71807, 3 CFR, 1979 Comp., p. 465]

Executive Order 12163—Administration of foreign assistance and related functions

Sec. 1. The provisions of Executive Order 12163 of Sept. 29, 1979, appear at 44 FR 56673, 3 CFR, 1979 Comp., p. 435, unless otherwise noted.

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, Reorganization Plan No. 2 of 1979, the International Development Cooperation Act of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1-1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

1-101. *Establishment of the United States International Development Cooperation Agency.* Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 are declared effective and the United States International Development Cooperation Agency (hereinafter referred to as "IDCA") is hereby established.

1-102. *Delegation of Functions.* (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of IDCA (hereinafter referred to as the "Director") all functions conferred upon the President by:

- (1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*); (hereinafter referred to as the "Act");
- (2) the Latin American Development Act (22 U.S.C. 1942 *et seq.*);
- (3) section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922);
- (4) section 413(b) of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2431); and
- (5) title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 *et seq.*) (hereinafter referred to as the "IDC Act of 1979");
- (6) section 903(b) of the International Security and Development Cooperation Act of 1985 (hereinafter referred to as "ISDCA of 1985");

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(7) section 709 of the ISDCA of 1985, which authority shall be exercised in consultation with the Secretary of State and the Secretary of Defense;

(8) sections 1205(b) and 1210 of the ISDCA of 1985;

(9) section 541 of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator of the Agency for International Development within IDCA; and

(10) the first proviso under the heading "Population, Development Assistance" contained in Title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator of the Agency for International Development within IDCA.

(b) The functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act, and section 403(e) of the IDC Act of 1979, delegated to the Director shall be exercised in consultation with the Secretary of State.

(c) The functions under section 125(b) of the Act delegated to the Director shall be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State.

(d) The Director shall exercise the functions of the President under sections 301(a), 301(e)(1), and 302 of the Act only insofar as they pertain to the United Nations Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the United Nations Capital Development Fund, the United Nations Educational and Training Program for Southern Africa, the United Nations/Food and Agriculture Organization World Food Program, the Food and Agriculture Organization Post-Harvest Losses Fund, the United Nations Disaster Relief Organization, and any other international programs whose purpose is primarily developmental.

(e) In carrying out the functions under section 653 of the Act that are delegated to the Director, the Director shall consult with the Director of the Office of Management and Budget.

(f) To the extent practicable, the Director will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system. To this end he shall consult regularly with the Secretary of State.

(g) In exercising functions under the Act arising from later-enacted amendments to any law specified in subsection (a) of this section that relate directly to matters of foreign policy, the Director shall consult with the Secretary of State to determine whether such functions should more appropriately be exercised by the Secretary or reserved to the President.

[Sec. 1-102 amended by EO 12365 of May 24, 1982, 47 FR 22933, 3 CFR, 1982 Comp., p. 187; EO 12560 of May 24, 1986, 51 FR 19159, 3 CFR, 1986 Comp., p. 217; EO 12639 of May 6, 1988, 53 FR 16691, 3 CFR, 1988 Comp., p. 569]

1-103. Agency for International Development.

(a) The Director shall continue within IDCA the Agency for International Development, heretofore established in the Department of State.

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(b) The Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act.

(c) The officers provided for in section 624(a) of the Act shall serve in the Agency for International Development.

1-104. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act shall be in the Agency for International Development.

1-2. DEPARTMENT OF STATE

1-201. *Delegation of Functions.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the "Secretary") all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(c), 301(e)(1), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, 305, section 305 of the Act;

(2) section 495F of the Act, insofar as they relate to policy decisions pertaining to refugee programs under such section;

(3) section 505(a) relating to other provisions which may be required by the President, and sections 505(d), (e), (f) and (g) of the Act.

(4) section 505(a) (1) and (4) of the Act relating to consent;

(5) section 505(b) of the Act to the extent that it pertains to countries that agree to the conditions set forth therein;

(6) chapter 4 of Part II of the Act, insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country, and all functions conferred by Section 534 of the Act. Such functions shall be exercised in cooperation with the Director.

(7) chapter 6 of part II of the Act;

(8) section 601(b)(3), (4), and (6) of the Act;

(9) section 614(b) of the Act, except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(10) section 620(c), (e), (f), (g), (j), (q), and (s) of the Act;

(11) section 620C(d) and (e) of the Act;

(12) section 625(d) of the Act, insofar as it relates to personnel in the Department of State;

(13) [Revoked]

(14) section 634B of the Act, insofar as it relates to functions delegated to the Secretary under this order;

(15) section 617 and 653 of the Act, insofar as they relate to chapter 8 of part I and part II of the Act;

(16) other provisions of the Act that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(17) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b(d));

and
(18) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(19) Section 725 of the International Security and Development Cooperation Act of 1981;

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(20) Section 726 of the International Security and Development Cooperation Act of 1981;

(21) Chapter 8 of Part II of the Act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof;

(22) Section 402(b)(2) of Title 10 of the United States Code, which shall be exercised in consultation with the Secretary of Defense.

(23) sections 207, 552(b), 611, 612(a), 617(c), 702(c), 703(a), 705(b) and (c), 706, 722(j), 813(b) and 1008 of the ISDCA of 1985;

(24) chapter 8 of part I of the Act, except for section 481(h), which is reserved to the President;

(25) section 502B of the Act;

(26) sections 513, 527, 528, 542, 561, 570, 571, 586(c), and 590 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as enacted in Public Law 100-202);

(27) the fourth proviso under the heading "Southern Africa, Development Assistance" contained in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as enacted in Public Law 100-202);

(28) the proviso relating to tied aid credits under the heading "Economic Support Fund" contained in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as enacted in Public Law 100-202), which shall be exercised in consultation with the Administrator of the Agency for International Development;

(29) subsection (c)(2) under the heading "Foreign Military Sales Debt Reform" contained in Title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as enacted in Public Law 100-202), and section 572 and section 573(c) of that Act, each of which shall be exercised in consultation with the Secretary of Defense. In addition, section 573(c) shall be exercised in consultation with the Director of the United States Arms Control and Disarmament Agency.

(b) The functions under sections 239(g), 620(e), 620(g), 620(j), 620(q), and 620(s), of the Act delegated to the Secretary shall be exercised in consultation with the Director.

(c) The functions under section 653 of the Act delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

[Sec. 1-201 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134; EO 12365 of May 24, 1982, 47 FR 22933, 3 CFR, 1982 Comp., p. 187; EO 12458 of Jan. 14, 1984, 49 FR 1977, 3 CFR, 1984 Comp., p. 153; EO 12500 of Jan. 24, 1985, 50 FR 3733, 3 CFR, 1985 Comp., p. 327; EO 12560 of May 24, 1986, 51 FR 19159, 3 CFR, 1986 Comp., p. 217; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245; EO 12620 of Dec. 24, 1987, 52 FR 49135, 3 CFR, 1987 Comp., p. 263; EO 12639 of May 6, 1988, 53 FR 16691, 3 CFR, 1988 Comp., p. 569]

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1-3. DEPARTMENT OF DEFENSE

1-301. *Delegation of Functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II (except chapters 4, 6 and 8 thereof) of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634B, 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), 635(g), and 636(i) of the Act.

(c) Those functions under section 634A of the Act, to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act (except chapters 4, 6, and 8 thereof) and under the Arms Export Control Act, as amended, subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

(e) Those functions conferred upon the President under section 616 of the ISDCA of 1985.

(f) The functions conferred upon the President under section 573(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as enacted in Public Law 100-202).

Sec. 1-301 amended by EO 12423 of May 26, 1983, 48 FR 24025, 3 CFR, 1983 Comp., p. 191; EO 12458 of Jan. 14, 1984, 49 FR 1977, 3 CFR, 1984 Comp., p. 153; EO 12560 of May 24, 1986, 51 FR 19159, 3 CFR, 1986 Comp., p. 217; EO 12639 of May 6, 1988, 53 FR 16691, 3 CFR, 1988 Comp., p. 569]

1-302. *Reports and Information.* In carrying out the functions under section 514 of the Act delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1-4. INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1-401. *Establishment of Institute for Scientific and Technological Cooperation.* There is established within IDCA the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute).

1-402. *Establishment of the Council on International Scientific and Technological Cooperation.* There is established the Council on International Scientific and Technological Cooperation pursuant to section 407(a) of the IDC Act of 1979.

1-403. There are hereby established two additional positions in the Institute pursuant to section 406(c) of the IDC Act of 1979. The officers appointed to these positions shall perform such duties and exercise such powers as the Director of the Institute may prescribe.

1-5. OTHER AGENCIES

1-501. *Department of the Treasury.* (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

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(1) section 305, insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(2) the second sentence of section 612(a) of the Act; and

(3) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92-226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93-189 (87 Stat. 722).

(c) The functions under section 305 of the Act delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended.

[Sec. 1-501 amended by EO 12365 of May 24, 1982, 47 FR 22933, 3 CFR, 1982 Comp., p. 187]

1-502. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1-503. *Office of Personnel Management.* There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

1-504. *International Communication Agency.* ¹ The International Communication Agency shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1-505. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act which shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

1-506. *Development Coordination Committee.* (a) In accordance with section 640B of the Act, there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation, the Under Secretary of State for Economic Affairs, the Under Secretary of the Treasury for Monetary Affairs, the Under Secretary of

¹ EDITORIAL NOTE: Redesignated as the United States Information Agency by Pub. L. 97-241 (96 Stat. 273, 22 U.S.C. 1461 nt.).

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Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; and Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; the Director of the Peace Corps; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chair of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chair of the Committee may establish subcommittees of the Committee and designate the chairs thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

[Sec. 1-306 amended by EO 12226 of July 22, 1980, 45 FR 49235, 3 CFR, 1980 Comp., p. 270]

1-6. ADDITIONAL DELEGATIONS AND LIMITATIONS OF AUTHORITY; CONSULTATION

1-601. *General Delegation of Functions.* There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act all functions conferred upon the President by:

(a) section 654 (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1-602. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d) of the Act, and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

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[Sec. 1-602 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-603. *Special Missions and Staffs Abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances authorized for a chief of mission as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(a)(3)), all under section 631 of the Act, shall be subject to the approval of the Secretary of State.

[Sec. 1-603 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

1-604. *International Agreements.* The negotiation, conclusion, and termination of international agreements pursuant to the Act, title IV of the IDC Act of 1979, or section 402 of the Mutual Security Act of 1954 shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-605. *Interagency Consultation.* Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1-7. RESERVED FUNCTIONS

1-701. *Reservation of Functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 451, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act.

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979.

(c) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act.

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 465(b), 481(h), 505(d)(2)(A), 505(d)(3), 506(a), 552(c), 552 (e), 604(a), 610, 614(c), 632(b), 633A, 663(a), 669(b)(2), 620E, 670(a), 670(b)(2), and 670(b)(3) of the Act.

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) that relate to findings: *Provided*, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the pro-

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posed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) with respect to the publication in the FEDERAL REGISTER of any findings or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(g) Those under sections 130, 131, 504 and 505 of the ISDCA of 1985.

[Sec. 1-701 amended by EO 12321 of Sept. 14, 1981, 46 FR 46109, 3 CFR, 1981 Comp., p. 178; EO 12365 of May 24, 1982, 47 FR 22933, 3 CFR, 1982 Comp., p. 187; EO 12500 of Jan. 24, 1985, 50 FR 3733, 3 CFR, 1985 Comp., p. 327; EO 12560 of May 24, 1986, 51 FR 19159, 3 CFR, 1986 Comp., p. 217; EO 12639 of May 6, 1988, 53 FR 16691, 3 CFR, 1988 Comp., p. 569]

1-702. *Subsequent Amendments.* Functions conferred upon the President by subsequent amendments to the Act are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1-8. FUNDS

1-801. *Allocation of Funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Director (1) all funds made available for carrying out the Act except those made available for carrying out Part II of the Act (other than chapter 4 thereof), section 481 of the Act, and section 637(b) of the Act, and (2) all funds made available for carrying out title IV of the IDC Act of 1979.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act (except chapters 4, 6 and 8 thereof).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) and chapters 6 and 8 of Part II of the Act.

[Sec. 1-801 amended by EO 12458 of Jan. 14, 1984, 49 FR 1977, 3 CFR, 1984 Comp., p. 153]

1-802. *Reallocation of Funds.* The Director of IDCA, the Secretary of Defense and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1-801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

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1-9. GENERAL PROVISIONS

1-901. *Definition.* As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1-902. *References to Orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

[Sec. 1-902 amended by EO 12500 of Jan. 24, 1985, 50 FR 3733, 3 CFR, 1985 Comp., p. 327]

1-903. *Prior Executive Orders.* (a) The following are revoked:

(1) Executive Order No. 10973 of November 3, 1961, as amended;
(2) Section 2(a) of Executive Order No. 11579 of January 19, 1971;
and

(3) Executive Order No. 10893 of November 8, 1960.

(b)(1)-(5) [Deleted]

[Sec. 1-903(b)(1)-(5) amends EO 10900 of Jan. 5, 1961, which was revoked by EO 12231 of June 27, 1980; EO 11223 of May 12, 1965, this chapter, p. 403; EO 11846 of Mar. 27, 1975, Chapter 15, p. 263; EO 11958 of Jan. 18, 1977, this chapter, p. 419; and EO 12045 of June 28, 1978, which was revoked by EO 12356 of Apr. 2, 1982. The amendments have been incorporated into those orders where applicable.]

(6) the President's memorandum of October 18, 1961, entitled "Termination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

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(d) As authorized by section 403(c) of the IDC Act of 1979, the reference in Executive Order No. 11223 of May 12, 1965 to "the performance of functions authorized by this Act" shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979.

1-904. *Saving Provisions.* Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-905. *Effective Date.* The provisions of this order shall become effective as of October 1, 1979.

Executive Order 12599—Coordination of economic policies for Sub-Saharan Africa

SOURCE: The provisions of Executive Order 12599 of Aug. 12, 1987, appear at 52 FR 30325, 3 CFR, 1987 Comp., p. 233, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Foreign Assistance Act of 1961, as amended, and in order to establish procedures for development of a common long-term goal for all United States economic programs and policies in Sub-Saharan Africa, it is hereby ordered as follows:

SECTION 1. *Establishment of the Coordinating Committee for Sub-Saharan Africa.* (a) There is hereby established a Coordinating Committee for Sub-Saharan Africa ("the Committee").

(b) The Committee shall consist of the Administrator of the Agency for International Development, who shall be Chairman; the Assistant Secretary of the Treasury for International Affairs, who shall be Co-Chairman; representatives designated by the Secretaries of State, Defense, Agriculture, and Commerce; and representatives of the Office of Management and Budget, the Central Intelligence Agency, the United States Information Agency, the Peace Corps, the Overseas Private Investment Corporation, the United States Trade Representative, the African Development Foundation, the Assistant to the President for National Security Affairs, and the Assistant to the President for Policy Development.

(c) Whenever matters being considered by the Committee may be of interest to Federal agencies not represented on the Committee, the Chairman may invite the head of such agencies to designate representatives to participate in meetings and deliberations of the Committee.

(d) The Committee shall operate under the policy direction of the Secretaries of State and the Treasury.

(e) All Executive departments and agencies shall keep the Committee informed in necessary detail as to the policies, programs, and activities relating to the functions of the Committee described in section 2.

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(f) Nothing herein shall be deemed to derogate from the responsibilities of the head of any agency in exercising the responsibilities vested in that person by law.

SEC. 2. *Functions of the Committee.* (a) The Committee shall operate in a manner best deemed appropriate by its Chairman in order to ensure the following:

(1) that all United States economic programs and policies for Sub-Saharan Africa are consistent with the goal of ending hunger in the region through economic growth, policy reform, and private sector development;

(2) United States economic programs and policies for each country of Sub-Saharan Africa are tailored to the specific needs of that country, consistent with the goal presented in subsection (a) (1) of this section;

(3) United States economic programs and policies for Sub-Saharan Africa are fully coordinated within the United States Government prior to implementation with other donors and potential recipients; and,

(4) the overall level of aid the United States offers a country of Sub-Saharan Africa is related to continued performance of that country toward the goal presented in subsection (a)(1) of this section or willingness to undertake economic reform.

(b) The Committee shall support the Secretaries of State and the Treasury in preparing the annual report to the President required in section 3 of this Order.

(c) The Committee shall coordinate the preparation annually of a unified budget justification for transmittal to the Congress. This justification shall encompass all United States economic activities, strategies, and policies for Sub-Saharan Africa. Nothing in this subsection shall be deemed to affect the statutory authorities of the Director of the Office of Management and Budget.

(d) The Committee shall encourage and coordinate the alignment of United States food assistance programs in accordance with the goals presented in subsection 2(a) of this Order.

(e) The Committee shall encourage and coordinate efforts to mobilize expanded humanitarian and business involvement in Africa, both United States and international, through an outreach effort with appropriate Federal agencies.

(f) The Committee shall encourage and coordinate efforts of Federal agencies to expand United States business involvement in Sub-Saharan Africa by targeting trade and investment missions, prefeasibility and feasibility studies, sector and regional analyses, access to credit, and information on trade and investment opportunities in countries undertaking economic reform.

SEC. 3. *Annual Report to the President.* (a) The Secretary of State and the Secretary of the Treasury shall make a joint report to the President annually on Sub-Saharan Africa.

(b) The annual report shall discuss the economic condition of Sub-Saharan Africa and highlight progress being made in the region toward achieving the goal presented in section 2(a)(1). The annual report shall also affirm that all United States economic programs and policies conform with and support the goal of ending hunger in Sub-Saharan Africa through economic growth and private enterprise development.

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Executive Order 12654—Delegating authority to provide assistance for the Nicaraguan resistance

SOURCE: The provisions of Executive Order 12654 of Oct. 7, 1988, appear at 53 FR 39890, 3 CFR, 1988 Comp., p. 583, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the Department of Defense Appropriations Act, 1989, Public Law 100-463 ("the Act"), Public Law 100-276, the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning the designation of amounts to be transferred from specified accounts, the transfer of funds, and related personnel matters, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, in consultation with the Administrator of the Agency for International Development, is authorized to perform the functions, vested in the President by Section 9006 of the Act, of transferring unobligated funds from the accounts specified in Section 9011 of the Act.

SEC. 2. The Secretary of Defense is authorized to perform the function of designating the amounts of unobligated funds from accounts specified in Section 9011 of the Act for use as specified in Sections 9006, 9008, and 9014 of the Act.

SEC. 3. The Director of the Office of Management and Budget is authorized to perform the function of approving the detailing of personnel to the Agency for International Development. This authority is vested in the President by Section 4(d) of Public Law 100-276 and made applicable by Section 9014(d) of the Act.

SEC. 4. This Order shall be effective immediately.

SUBCHAPTER E—ARMS CONTROL AND NUCLEAR NONPROLIFERATION

Executive Order 11044—Interagency coordination of arms control and disarmament matters

SOURCE: The provisions of Executive Order 11044 of Aug. 20, 1962, appear at 27 FR 641, 3 CFR, 1959-1963 Comp., p. 627, unless otherwise noted.

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other

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affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Definitions.* As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission,¹ the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act.

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. *Cooperation.* The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. *Policy coordination.* (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions were transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

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(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

and
(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Office of Management and Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

Executive Order 11958—Administration of arms export controls

SOURCE: The provisions of Executive Order 11958 of Jan. 18, 1977, appear at 42 FR 4111, 3 CFR, 1977 Comp., p. 79, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The following functions conferred upon the President by the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act, with the exception of subsections (a)(1), (b), (c)(3), (c)(4), and (f) to the Secretary of State: *Provided*, That the Secretary of State, in the implementation of the functions delegated to him under Sections 3 (a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

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(b) Those under Section 5 to the Secretary of State.

(c) Those under Section 21 of the Act, with the exception of the last sentence of subsection (d) and all of subsection (i), to the Secretary of Defense.

(d) Those under Sections 22(a), 29, 30 and 30A of the Act to the Secretary of Defense.

(e) Those under Section 23 of the Act to the Secretary of Defense, to be exercised in consultation with the Secretary of State and the Secretary of the Treasury, except that the President shall determine any rate of interest to be charged which is less than the market rate of interest.

(f) Those under Sections 24, 27, and 28 of the Act to the Secretary of Defense. The Secretary of Defense, in implementing the functions delegated to him under Sections 24 and 27, shall consult with the Secretary of State and the Secretary of the Treasury.

(g) Those under Section 25 of the Act to the Secretary of State. The Secretary of Defense and the Director of the Arms Control and Disarmament Agency, within their respective areas of responsibility, shall assist the Secretary of State in the preparation of materials for presentation to the Congress under that Section.

(h) Those under Section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(i) Those under Section 35(a) of the Act to the Secretary of State.

(j) Those under Sections 36 (a) and 36(b)(1) of the Act, except with respect to the certification of an emergency as provided by subsection (b)(1), to the Secretary of Defense. The Secretary of Defense, in the implementation of the functions delegated to him under Sections 36(a) and (b)(1) shall consult with the Secretary of State, who shall, with respect to matters related to subparagraphs (D) and (I) of Section 36(b)(1), consult with the Director of the Arms Control and Disarmament Agency. With respect to those functions under Sections 36(a) (5) and (6), the Secretary of Defense shall consult with the Director of the Office of Management and Budget.

(k) Those under Sections 36 (c) and (d) of the Act to the Secretary of State.

(l) Those under Section 38 of the Act:

(1) to the Secretary of State, except as otherwise provided in this subsection. Designations, including changes in designations, by the Secretary of State of items or categories of items which shall be considered as defense articles and defense services subject to export control under Section 38 shall have the concurrence of the Secretary of Defense;

(2) to the Secretary of Treasury, to the extent they relate to the control of the import of defense articles and defense services. In carrying out such functions, the Secretary of the Treasury shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States. Designations including changes in designations, by the Secretary of the Treasury of items or categories of items which shall be considered as defense articles and defense services subject to import control under Section 38 of the Act shall have the concurrence of the Secretary of State and the Secretary of Defense;

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(3) to the Secretary of Commerce, to carry out on behalf of the Secretary of State, to the extent such functions involve Section 38(e) of the Act and are agreed to by the Secretary of State and the Secretary of Commerce.

(m) Those under Section 39(b) of the Act to the Secretary of State. In carrying out such functions, the Secretary of State shall consult with the Secretary of Defense as may be necessary to avoid interference in the application of Department of Defense regulations to sales made under Section 22 of the Act.

(n) Those under Sections 42 (c) and (f) of the Act to the Secretary of Defense. The Secretary of Defense shall obtain the concurrence of the Secretary of State and the Secretary of the Treasury on any determination proposed under the authority of Section 42(c) of the Act.

(o) Those under Sections 52(b) and 53 of the Act to the Secretary of Defense.

(p) Those under Sections 61 and 62(a) of the Act to the Secretary of Defense.

[Sec. 1 amended by EO 12118 of Feb. 6, 1979, 44 FR 7939, 3 CFR, 1979 Comp., p. 363; EO 12210 of Apr. 16, 1980, 45 FR 26313, 3 CFR, 1980 Comp., p. 252; EO 12365 of May 24, 1982, 47 FR 22933, 3 CFR, 1982 Comp., p. 187; EO 12423 of May 26, 1983, 48 FR 24025, 3 CFR, 1983 Comp., p. 191; EO 12560 of May 24, 1986, 51 FR 19159, 3 CFR, 1986 Comp., p. 217]

SEC. 2. *Coordination.* (a) In addition to the specific provisions of Section 1 of this Order, the Secretary of State and the Secretary of Defense, in carrying out the functions delegated to them under this Order, shall consult with each other and with the heads of other departments and agencies, including the Secretary of the Treasury, the Director of the United States International Development Cooperation Agency, and the Director of the Arms Control and Disarmament Agency, on matters pertaining to their responsibilities.

(b) In accordance with Section 2(b) of the Act and under the directions of the President, the Secretary of State, taking into account other United States activities abroad, shall be responsible for the continuous supervision and general direction of sales and exports under the Act, including but not limited to, the negotiations, conclusion, and termination of international agreements, and determining whether there shall be a sale to a country and the amount thereof, and whether there shall be delivery or other performance under such sale or export, to the end that sales and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

[Sec. 2 amended by EO 12163 of Sept. 29, 1979, 44 FR 56673, 3 CFR, 1979 Comp., p. 435]

SEC. 3. *Allocation of Funds.* Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 4. *Revocation.* Executive Order No. 11501, as amended, is revoked; except that, to the extent consistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, taken or entered into under the provisions of Executive Order No. 11501, as amended, and not revoked, superseded or otherwise made inapplicable,

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shall continue in full force and effect until amended, modified or terminated by appropriate authority.

Executive Order 12058—Functions relating to nuclear non-proliferation

SOURCE: The provisions of Executive Order 12058 of May 11, 1978, appear at 43 FR 20947, 3 CFR, 1978 Comp., p. 179, unless otherwise noted.

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy.* The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

(a) That function vested by Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).

(b) Those functions vested by Sections 131a(2)(G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).

(c) That function vested by Section 131f(1)(A)(ii) of the 1954 Act to the extent it relates to the preparation of a detailed generic plan.

SEC. 2. *Department of State.* The Secretary of State shall be responsible for performing the following functions vested in the President:

(a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 123, 146, 147, 148, and 148, 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).

(b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a)(2)).

(c) That function vested by Section 601 of the Act to the extent it relates to the preparation of an annual report.

(d) The preparation of timely information and recommendations related to the President's functions vested by Sections 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).

(e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

SEC. 3. *Department of Commerce.* The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

SEC. 4. *Coordination.* In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

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SEC. 5. *General Provisions.* (a) Executive Order No. 11902 of February 2, 1976, entitled "Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment," is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.

Executive Order 12629—Nuclear cooperation with EURATOM

SOURCE: The provisions of Executive Order 12629 of Mar. 9, 1988, appear at 53 FR 7875, 3 CFR, 1988 Comp., p. 554, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended for 12-month periods by Executive Orders Nos. 12193, 12295, 12351, 12409, 12463, 12506, 12554, and 12587, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of U.S. non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1989. Executive Order No. 12587 shall be superseded on the effective date of this Executive Order.

CHAPTER 23—[RESERVED]

CHAPTER 24—HOUSING AND URBAN DEVELOPMENT

Executive Orders

- 10296 Providing for the performance of certain defense housing and community facilities and services functions
- 10462 Delegation of certain functions of the President to the Housing and Home Finance Administrator
- 11003 Equal opportunity in housing
- 11274 Providing that certain officers may act as Secretary of Housing and Urban Development
- 11297 Coordination of Federal urban programs
- 11600 Providing for a National Center for Housing Management
- 11732 Delegating certain authority of the President to the Secretary of Housing and Urban Development
- 12239 Leadership and coordination of fair housing in Federal programs

Executive Order 10296—Providing for the performance of certain defense housing and community facilities and services functions

SOURCE: The provisions of Executive Order 10296 of Oct. 2, 1951, appear at 16 FR 10103, 3 CFR, 1949-1953 Comp., p. 826, unless otherwise noted.

By virtue of the authority vested in me by the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82nd Congress) and the act of August 8, 1950, ch. 646, 64 Stat. 419, and as President of the United States, and having found, with respect to paragraph 4 hereof and in accordance with section 314 of the said Defense Housing and Community Facilities and Services Act of 1951, that the Federal Security Administrator ¹ is performing, or has facilities adapted to the performance of, functions similar or directly related to those transferred to him by paragraph 4 of this order, and that the transfers

¹ EDITORIAL NOTE: The Federal Security Agency was abolished by Reorganization Plan No. 1 of 1953, 18 FR 2053, 3 CFR, 1949-1953 Comp., p. 1022, effective Apr. 11, 1953, and its functions were transferred to the Department of Health, Education, and Welfare, later the Department of Health and Human Services.

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therein ordered will assist the furtherance of national-defense activities, it is ordered as follows:

1. [Revoked]

[Para. 1 revoked by EO 12148 of July 20, 1979, 44 FR 43259, 3 CFR, 1979 Comp., p. 412]

2. [Revoked]

[Para. 2 revoked by EO 12148 of July 20, 1979, 44 FR 43259, 3 CFR, 1979 Comp., p. 412]

3. The Housing and Home Finance Administrator¹ is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 102(b) of the Act, relative to the suspension and relaxation of residential credit restrictions under the Defense Production Act of 1950, as amended.

4. Except as provided in paragraph 5 hereof, the functions authorized by Title III of the Act to be performed with respect to or in furtherance of the provision, maintenance, or operation of community facilities for, and with respect to or in furtherance of the provision of community services for, recreation and child day-care centers are hereby transferred to the Federal Security Administrator and shall be performed by him or by such officers and units of the Federal Security Agency as he may determine.

5. There are hereby excluded from the transfers effected by paragraph 4 hereof (a) functions with respect to site selection and land acquisition for, and the construction (including the letting of construction contracts, the preparation and approval of plans and specifications, and the supervision of construction work and of expenditures therefor) of, projects approved by the Federal Security Administrator, whether such construction is performed on behalf of, or is aided by, the Federal Government, (b) the servicing of loans for the construction of projects so approved, and (c) the functions under the second and third provisos of section 304 of the Act and those under sections 103(a) and 103(b) of the Act: *Provided*, That (1) the Federal Security Administrator or his delegate shall determine the general layout, size, and special design features appropriate to the particular type of facility, and (2) that final plans and specifications shall conform to such determinations.

6. In the performance of functions with respect to roads and highways under the Act, the Housing and Home Finance Administrator shall from time to time consult with the Secretary of Commerce or his representative as to the relationship of road and highway projects under the said Act to road and highway programs under the jurisdiction of the said Secretary.

7. In the performance of functions under Title III of the Act in Territories there shall be consultation with the Secretary of the Interior or his representative as to the relationship of proposed facilities and services in Territories to Territorial programs of the Department of the Interior.

¹ EDITORIAL NOTE: The Housing and Home Finance Administration was terminated by Pub. L. 89-174 (79 Stat. 667, 42 U.S.C. 3531 note) and its functions were transferred to the Department of Housing and Urban Development.

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8. The Housing and Home Finance Administrator, in connection with the performance of the pertinent functions vested in him by Title III of the Act, shall obtain the approval of the Surgeon General of the Public Health Service or his representative with respect to the public health aspects of sources of water supply developed, utilized, or aided by the said Administrator, and shall consult with the Surgeon General or his representative with respect to the public health aspects of water distribution systems and sewerage systems constructed or aided by the Administrator.

9. Subject to the consent of the Housing and Home Finance Administrator, the Surgeon General of the Public Health Service shall utilize the facilities and services of the Housing and Home Finance Agency for the performance of the following aspects of the functions conferred upon him by section 316 of the Act: (a) the construction by the Federal Government of projects approved by the Surgeon General (including the letting of construction contracts, the preparation or review of plans and specifications, and the supervision of construction work and expenditures therefor), (b) land acquisition for projects to be so constructed, and (c) the obtaining of information required for the purpose of, and the furnishing of recommendations with respect to, (i) the findings provided for in sections 103(a) and 103(b) of the Act, and (ii) the actions provided for in the second and third provisos of section 304 of the Act. The Surgeon General shall pay the Housing and Home Finance Agency for such utilization, either in advance or otherwise, out of funds available to him for the performance of such functions.

10. Subject to the consent of the Federal Security Administrator, the Housing and Home Finance Administrator shall utilize the facilities and services of the Federal Security Agency in connection with the providing of library facilities under Title III of the Act in such manner that the division of work with respect to library facilities as between the Housing and Home Finance Administrator and the Federal Security Administrator will be the same as that with respect to recreation and child day-care center facilities as indicated in paragraphs 4 and 5 of this order. The Housing and Home Finance Administrator shall pay the Federal Security Administrator for such utilization, either in advance or otherwise, out of funds available to the Housing and Home Finance Administrator for the performance of the functions involved.

11. Paragraphs 9 and 10 shall not be construed as a limitation upon the Surgeon General or the Housing and Home Finance Administrator, as the case may be, with respect to utilization or delegation other than that referred to in such paragraphs and not inconsistent with the provisions of such paragraphs, respectively, or as divesting either the Surgeon General or the Administrator of any function conferred upon him by the Act.

12. As used in this order the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

Executive Order 10462—Delegation of certain functions of the President to the Housing and Home Finance Administrator

SOURCE: The provisions of Executive Order 10462 of June 19, 1953, appear at 18 FR 3613, 3 CFR, 1949-1953 Comp., p. 949, unless otherwise noted.

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. The Housing and Home Finance Administrator¹ is hereby designated and empowered to perform, without the approval, ratification, or other action by the President, the functions vested in the President by section 611 of the act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended (42 U.S.C. 1589a).

2. The meaning of the terms "perform" and "functions" as used in this order shall be the same as the meaning of those terms as used in chapter 4 of title 3 of the United States Code.

Executive Order 11063—Equal opportunity in housing

SOURCE: The provisions of Executive Order 11063 of Nov. 20, 1962, appear at 27 FR 11527, 3 CFR, 1959-1963 Comp., p. 652, unless otherwise noted.

WHEREAS the granting of Federal assistance for the provision, rehabilitation, or operation of housing and related facilities from which Americans are excluded because of their race, color, creed, or national origin is unfair, unjust, and inconsistent with the public policy of the United States as manifested in its Constitution and laws; and

WHEREAS the Congress in the Housing Act of 1949 has declared that the general welfare and security of the Nation and the health and living standards of its people require the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family; and

WHEREAS discriminatory policies and practices based upon race, color, creed, or national origin now operate to deny many Americans the benefits of housing financed through Federal assistance and as a consequence prevent such assistance from providing them with an alternative to substandard, unsafe, unsanitary, and overcrowded housing; and

WHEREAS such discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS the executive branch of the Government, in faithfully executing the laws of the United States which authorize Federal financial assistance, directly or indirectly, for the provision, rehabilitation, and operation of housing and related facilities, is charged with an obligation and duty to assure that those laws are fairly administered and that benefits thereunder are made available to all Americans without regard to their race, color, creed, or national origin:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, it is ordered as follows:

¹ EDITORIAL NOTE: The Housing and Home Finance Administration was terminated by Pub. L. 89-174 (79 Stat. 667, 42 U.S.C. 3531 note) and its functions were transferred to the Department of Housing and Urban Development.

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PART I—PREVENTION OF DISCRIMINATION

SECTION 101. I hereby direct all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin—¹

(a) in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are—

- (i) owned or operated by the Federal Government, or
- (ii) provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or
- (iii) provided in whole or in part by loans hereafter insured, guaranteed, or otherwise secured by the credit of the Federal Government, or
- (iv) provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and

(b) in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.

SEC. 102. I hereby direct the Department of Housing and Urban Development and all other executive departments and agencies to use their good offices and to take other appropriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices with respect to residential property and related facilities heretofore provided with Federal financial assistance of the types referred to in Section 101(a)(ii), (iii), and (iv).

[Sec. 102 amended by EO 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307]

PART II—IMPLEMENTATION BY DEPARTMENTS AND AGENCIES

SEC. 201. Each executive department and agency subject to this order is directed to submit to the President's Committee on Equal Opportunity in Housing established pursuant to Part IV of this order (hereinafter sometimes referred to as the Committee), within thirty days from the date of this order, a report outlining all current programs administered by it which are affected by this order.

SEC. 202. Each such department and agency shall be primarily responsible for obtaining compliance with the purposes of this order as the order applies to programs administered by it; and is directed to cooperate with the Committee, to furnish it, in accordance with law, such

¹ EDITORIAL NOTE: Executive Order 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307, revises section 101 to apply to discrimination because of race, color, religion (creed), sex, or national origin.

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information and assistance as it may request in the performance of its functions, and to report to it at such intervals as the Committee may require.

SEC. 203. Each such department and agency shall, within thirty days from the date of this order, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate the purposes of this order. Each such department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.

PART III—ENFORCEMENT

SEC. 301. The Committee, any subcommittee thereof, and any officer or employee designated by any executive department or agency subject to this order may hold such hearings, public or private, as the Committee, department, or agency may deem advisable for compliance, enforcement, or educational purposes.

SEC. 302. If any executive department or agency subject to this order concludes that any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) or any State or local public agency has violated any rule, regulation, or procedure issued or adopted pursuant to this order, or any non-discrimination provision included in any agreement or contract pursuant to any such rule, regulation, or procedure, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion unless similar efforts made by another Federal department or agency have been unsuccessful. In conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to Section 203 hereof, a department or agency may take such action as may be appropriate under its governing laws, including, but not limited to, the following:

It may—

(a) cancel or terminate in whole or in part any agreement or contract with such person, firm, or State or local public agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or fee;

(b) refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any nondiscrimination provisions included in any agreement or contract;

(c) refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given.

SEC. 303. In appropriate cases executive departments and agencies shall refer to the Attorney General violations of any rules, regulations, or procedures issued or adopted pursuant to this order, or violations of any nondiscrimination provisions included in any agreement or contract, for such civil or criminal action as he may deem appropriate. The Attorney General is authorized to furnish legal advice concerning this

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order to the Committee and to any department or agency requesting such advice.

SEC. 304. Any executive department or agency affected by this order may also invoke the sanctions provided in Section 302 where any person or firm, including a lender, has violated the rules, regulations, or procedures issued or adopted pursuant to this order, or the nondiscrimination provisions included in any agreement or contract, with respect to any program affected by this order administered by any other executive department or agency.

PART IV—ESTABLISHMENT OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

[Part IV revoked by EO 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307]

PART V—POWERS AND DUTIES OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

SEC. 501. [Revoked]

[Sec. 501 revoked by EO 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307]

SEC. 502. (a) The Committee shall take such steps as it deems necessary and appropriate to promote the coordination of the activities of departments and agencies under this order. In so doing, the Committee shall consider the overall objectives of Federal legislation relating to housing and the right of every individual to participate without discrimination because of race, color, creed, or national origin in the ultimate benefits of the Federal programs subject to this order.¹

(b) The Committee may confer with representatives of any department or agency, State or local public agency, civic, industry, or labor group, or any other group directly or indirectly affected by this order; examine the relevant rules, regulations, procedures, policies, and practices of any department or agency subject to this order and make such recommendations as may be necessary or desirable to achieve the purposes of this order.

(c) The Committee shall encourage educational programs by civic, educational, religious, industry, labor, and other nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

SEC. 503. [Revoked]

[Sec. 503 revoked by EO 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307]

PART VI—MISCELLANEOUS

SEC. 601. As used in this order, the term "departments and agencies" includes any wholly-owned or mixed-ownership Government corpora-

¹ EDITORIAL NOTE: Executive Order 12259 of Dec. 31, 1980, 46 FR 1253, 3 CFR, 1980 Comp., p. 307, revises section 502 to apply to discrimination because of race, color, religion (creed), sex, or national origin.

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tion, and the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of the United States.

SEC. 602. This order shall become effective immediately.

Executive Order 11274—Providing that certain officers may act as Secretary of Housing and Urban Development

SOURCE: The provisions of Executive Order 11274 of Mar. 30, 1966, appear at 31 FR 5243, 3 CFR, 1966-1970 Comp., p. 537, unless otherwise noted.

By virtue of the authority vested in me by Section 179 of the Revised Statutes (5 U.S.C. 6) and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. In the event of a vacancy in the Office of the Secretary of Housing and Urban Development or during the absence or disability of the Secretary, the Under Secretary shall act as Secretary of Housing and Urban Development.

2. During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary nor the Under Secretary is available to exercise the powers or perform the duties of the Office of the Secretary, an Assistant Secretary or the General Counsel, in such order as the Secretary may from time to time prescribe, shall act as Secretary of Housing and Urban Development. If no such order of succession is in effect at that time, then they shall act in the order in which they shall have taken office as Assistant Secretaries or General Counsel.

Executive Order 11297—Coordination of Federal urban programs

SOURCE: The provisions of Executive Order 11297 of Aug. 11, 1966, appear at 31 FR 10765, 3 CFR, 1966-1970 Comp., p. 573, unless otherwise noted.

WHEREAS our Nation has become predominantly urban in character and is confronted by serious problems arising from inherited urban decay and rapid urban growth; and

WHEREAS the living standards and general welfare of its people depend upon the solution of the problems of urban life; and

WHEREAS the Congress has provided in the Department of Housing and Urban Development Act that the Secretary of Housing and Urban Development (hereinafter referred to as the Secretary) shall "advise the President with respect to Federal programs and activities relating to housing and urban development; develop and recommend to the President policies for fostering the orderly growth and development of the Nation's urban areas; and exercise leadership at the direction of the President in coordinating Federal activities affecting housing and urban development"; and

WHEREAS such activities are closely interrelated with other important Federal activities affecting urban areas so that there is a need for maximum consultation and cooperation among Federal departments and agencies in their administration of programs having impact on urban areas; and

WHEREAS such consultation and cooperation are also essential to enable the Secretary to carry out his responsibilities under that Act to "provide technical assistance and information, including a clearinghouse

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service to aid State, county, town, village, or other local governments in developing solutions to community and metropolitan development problems; consult and cooperate with State Governors and State agencies . . . with respect to Federal and State programs for assisting communities in developing solutions to community and metropolitan development problems and for encouraging effective regional cooperation in the planning and conduct of community and metropolitan development programs and projects”:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Housing and Urban Development.*

(a) To assist the Secretary in carrying out his responsibilities pursuant to the Department of Housing and Urban Development Act, he shall convene, or authorize his representatives to convene, meetings at appropriate times and places of the heads, or representatives designated by them, of such Federal departments and agencies with program affecting urban areas as he deems necessary or desirable for the following purposes:

(1) To provide a forum for consideration of mutual problems concerning Federal programs and activities affecting the development of urban areas and for the exchange of current information needed to achieve coordination of, and to avoid duplication in, such programs and activities.

(2) To promote cooperation among Federal departments and agencies in achieving consistent policies, practices, and procedures for administration of their programs affecting urban areas.

(3) To consult with and obtain the advice of the Federal departments and agencies with respect to:

(A) consultation and cooperation with State Governors and State and local agencies concerning Federal and State programs for assisting communities;

(B) provision of technical information, a clearinghouse service, and other assistance to State and local governments in solving community and metropolitan development problems; and

(C) encouragement of comprehensive planning of, and effective regional cooperation in, local urban, community, and metropolitan development activities.

(4) To identify urban development problems of particular States, metropolitan areas, or communities which require interagency or intergovernmental coordination.

(b) The Secretary shall make arrangements with such Federal departments and agencies for working groups to consider special problems arising with respect to matters described in subsection (a) of this section.

SEC. 2. *Agency responsibilities.* The heads of Federal departments and agencies having programs which have an impact on urban areas, or representatives designated by them, shall participate in meetings convened pursuant to this Order and, to the extent permitted by law and funds available, shall furnish information, at the request of the Secretary, pertaining to programs within the responsibilities of such departments or agencies, and such additional information as will assist the Secretary in providing a clearinghouse service to aid State and local governments in

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developing solutions to community and metropolitan development problems.

SEC. 3. *Construction.* Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 4. *Administrative arrangements.* (a) Each executive department and agency participating under section 1 or section 2 shall furnish necessary assistance for effectuating the provisions of this Order as authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(b) The Department of Housing and Urban Development shall provide necessary administrative services pursuant to this Order.

Executive Order 11668—Providing for a National Center for Housing Management

SOURCE: The provisions of Executive Order 11668 of Apr. 21, 1972, appear at 37 FR 8057, 3 CFR, 1971-1975 Comp., p. 706, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and in accordance with the provisions of the Department of Housing and Urban Development Act, as amended (42 U.S.C. 3531 *et seq.*), Title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801 *et seq.*), and Title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 *et seq.*), it is ordered as follows:

SECTION 1. *Policy.* The Nation's housing stock represents an important national resource which must be preserved and well managed if public and private investments are to be protected, and if we are to meet our goal of providing a decent home and suitable living environment for low and moderate income residents. The production of Federally-assisted housing has greatly expanded in recent years, creating a need for a balanced strategy to ensure that such housing remains viable for the purposes intended.

This expansion also creates a need for a growing supply of new management manpower for the years ahead. Special skills must be developed among these managers so that they can effectively overcome the social and economic problems facing many residents of Federally-assisted housing, including the elderly. Training, the improvement of career opportunities, and the upgrading of industry standards are all essential to the improvement of the Nation's housing management capability, particularly for low and moderate income housing.

SEC. 2. *Establishment of a National Center for Housing Management.* (a) The Secretary of Housing and Urban Development is directed to call upon public-spirited citizens, dedicated and experienced in the appropriate disciplines, to create, in accordance with existing laws, a new, non-governmental, not-for-profit institution to serve as a National Center for Housing Management (referred to herein as the Center).

(b) The Center should be designed to provide objective and independent leadership at the national level in helping meet the Nation's housing management and training needs and should work cooperatively with the Department of Housing and Urban Development and with the

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public and private organizations and institutions involved in, or affected by, its activities.

SEC. 3. *Activities of the Center.* The activities of the Center should be developed along lines that include the following objectives:

(1) Development of training and educational programs for housing management and personnel;

(2) Cooperation with public and private national, State, and local organizations and institutions in extending housing management training and educational opportunities, using to the fullest extent possible the services and facilities of existing agencies with expertise in training and education.

(3) Cooperation with national, State, and local organizations and institutions in establishing or expanding recruitment and placement systems that will link training in housing management to job opportunities in that field.

(4) Development of improved housing management practices and assistance in professionalizing the housing management industry; and

(5) Stimulating the creation of new management entities, and strengthening the effectiveness of existing management entities.

SEC. 4. *Assistance by Federal Agencies.* To the extent consistent with law, all other Federal executive departments and agencies shall cooperate and work with the Department of Housing and Urban Development and the Center in providing appropriate advice and financial support so as to ensure that the above described objectives are carried out with the most effective and efficient use of Federal, State and local resources, both public and private.

Executive Order 11732—Delegating certain authority of the President to the Secretary of Housing and Urban Development

SOURCE: The provisions of Executive Order 11732 of July 30, 1973, appear at 38 FR 20429, 3 CFR, 1971-1975 Comp., p. 791, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, the Secretary of Housing and Urban Development is hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by sections 305 and 301 of the National Housing Act, as amended (12 U.S.C. 1720 and 1716, respectively), relating to the authorization of the purchase of mortgages by the Government National Mortgage Association in connection with its special assistance functions and the determination that such action is in the public interest.

Executive Order 12259—Leadership and coordination of fair housing in Federal programs

SOURCE: The provisions of Executive Order 12259 of Dec. 31, 1980, appear at 46 FR 1253, 3 CFR, 1980 Comp., p. 307, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide under the leadership of the Secretary of Housing and Urban Development, in accordance with Section 808 of the Act of April 11, 1968, as amended (sometimes referred to as the Federal Fair Housing Act or as Title VIII of the

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Civil Rights Act of 1968), 42 U.S.C. 3608, for the administration of all Federal programs and activities relating to housing and urban development in a manner affirmatively to further fair housing throughout the United States, it is hereby ordered as follows:

1-1. *Administration of Programs and Activities Relating to Housing and Urban Development.*

1-101. All programs and activities of Executive agencies, including agencies which exercise regulatory responsibility, relating to housing and urban development shall be administered in a manner affirmatively to further fair housing.

1-2. *Responsibilities of Executive Agencies.*

1-201. The authority and responsibility for administering the Federal Fair Housing Act is vested in the Secretary of Housing and Urban Development.

1-202. The head of each Executive agency is responsible for ensuring that its programs and activities relating to housing and urban development are administered in a manner affirmatively to further the goal of fair housing as required by Section 808 of the Act of April 11, 1968, as amended (Title VIII of the Civil Rights Act of 1968), and for cooperating with the Secretary of Housing and Urban Development who shall be responsible for exercising leadership in furthering the purposes of the Act. As used in this Order, the terms "programs and activities" include programs and activities operated, administered or undertaken by the Federal government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility.

1-203. In carrying out the responsibilities in this Order the head of each Executive agency shall take appropriate steps to require that all persons or other entities who are applicants for, or participants in, programs who are supervised or regulated under, agency programs and activities relating to housing and urban development comply with this Order.

1-3. *Specific Responsibilities.*

1-301. In implementing the responsibilities under Section 1-2 the Secretary of Housing and Urban Development shall:

(a) Develop guidelines for determining the categories of programs and activities relating to housing and urban development which are operated, administered, undertaken, controlled or regulated by Executive agencies.

(b) Promulgate regulations regarding programs and activities of Executive agencies related to housing and urban development which shall:

(1) describe an institutionalized method for analyzing the impact of housing and urban development programs and activities in promoting the goal of fair housing;

(2) describe the responsibilities and obligations in assuring that programs and activities are administered and executed in a manner affirmatively to further fair housing; and

(3) describe the responsibilities and obligations of applicants, participants and other persons and entities involved in housing and urban development programs and activities affirmatively to further the goal of fair housing.

(c) Coordinate Executive agency implementation of the requirements of this Order and issue standards and procedures regarding the administration

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tration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing.

1-302. Upon publication of guidelines by the Secretary of Housing and Urban Development under Section 1-301(a), each Executive agency shall provide the Secretary with a description of all programs and activities relating to housing and urban development within its jurisdiction.

1-303. Within 180 days of the publication of final regulations by the Secretary of Housing and Urban Development under Section 1-301(a) the head of each Executive agency shall publish proposed regulations providing for the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing, consistent with the Secretary of Housing and Urban Development regulations, and with the standards and procedures issued pursuant to Section 1-301(c). As soon as practicable, each Executive agency shall issue its final regulations. All Executive agencies shall formally submit all such proposed and final regulations, and any related issuances or standards to the Secretary of Housing and Urban Development at least 30 days prior to public announcement.

1-304. The Secretary of Housing and Urban Development shall review regulations, standards and actions under Sections 1-302 and 1-303 to ensure conformity with the purposes of the Federal Fair Housing Act and consistency among the operations of the various Executive agencies and shall make any comments with respect thereto on a timely basis.

1-305. In addition to the regulations and guidelines described in Section 1-301, the Secretary of Housing and Urban Development shall implement the Secretary's authority and responsibility for administering the Federal Fair Housing Act by promulgating regulations describing the nature and scope of coverage and the conduct prohibited.

1-4. Cooperative Efforts.

1-401. The Secretary of Housing and Urban Development shall:

(a) Cooperate with, and render assistance to, the heads of all Executive agencies in the formulation of policies and procedures to implement this Order and to provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of rights accorded persons by the Federal Fair Housing Act; and

(b) initiate cooperative efforts, including the development of memoranda of understanding between Executive agencies designed to provide for consultation and the coordination of Federal efforts to further fair housing through the affirmative administration of programs and activities relating to housing and urban development.

1-402. In connection with carrying out functions under this Order the Secretary of Housing and Urban Development is authorized to request from any Executive agency such information and assistance deemed necessary. Each agency shall, to the extent permitted by law, furnish such information and assistance to the Secretary.

1-5. Administrative Enforcement.

1-501. Each Executive agency shall be responsible for enforcement of this Order and, to the extent permitted by law, shall cooperate and

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provide records, data and documentation in connection with any other agency's investigation of compliance with provisions of this Order.

1-502. If any Executive agency concludes that any person or entity (including any State or local public agency) applying for or participating in, or supervised or regulated under, a program or activity relating to housing and urban development has not complied with this Order or any applicable rule, regulation or procedure issued or adopted pursuant to this Order, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation and persuasion. An Executive agency need not pursue informal resolution of matters where similar efforts made by another Executive agency have been unsuccessful. In event of failure of such informal means, the Executive agency, in conformity with rules, regulations, procedures or policies issued or adopted by it pursuant to Section 1-3 hereof, shall impose such sanctions as may be authorized by law. To the extent authorized by law, such sanctions may include:

(a) cancellation or termination of agreements or contracts with such person, entity, or State or local public agency;

(b) refusal to extend any further aid under any program or activity administered by it and affected by this Order until it is satisfied that the affected person, entity, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this Order;

(c) refusal to grant supervisory or regulatory approval to such person, entity, or State or local public agency under any program or activity administered by it which is affected by this Order or revoke such approval if previously given;

(d) any other action as may be appropriate under its governing laws.

1-503. Findings of any violation under Section 1-502 shall be promptly reported to the Secretary of Housing and Urban Development. The Secretary of Housing and Urban Development shall forward this information to all other Executive agencies.

1-504. Any Executive agency shall also consider invoking appropriate sanctions against any person or entity where any other Executive department or agency has initiated action against that person or entity pursuant to Section 1-502 of this Order.

1-505. Each Executive agency shall seek the advice of the Secretary of Housing and Urban Development in this regard prior to a decision to initiate actions to invoke sanctions. Each such decision and the reasons therefor, shall be documented and shall be provided to the Secretary of Housing and Urban Development in a timely manner.

1-6. General Provisions.

1-601. Nothing in this Order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order No. 12250.

1-602. All provisions of regulations, guidelines and procedures proposed to be issued by Executive agencies pursuant to this Order which implement nondiscrimination requirements of laws covered by Executive Order No. 12250 shall be submitted to the Attorney General for review in accordance with that Executive Order. In addition, the Secretary will consult with the Attorney General regarding all regulations.

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guidelines and procedures proposed to be issued under Sections 1-301, 1-302 and 1-303 of this Order to assure consistency with coordinated Federal efforts to enforce nondiscrimination requirements in programs of Federal financial assistance pursuant to Executive Order No. 12250.

1-603. Nothing in this Order shall affect the authority and responsibility of the Attorney General to commence civil actions in cases involving a pattern or practice of discrimination or raising an issue of general public importance under the Federal Fair Housing Act.

1-604. (a) Part IV and Sections 501 and 503 of Executive Order No. 11063 are revoked. The activities and functions of the President's Commission on Equal Opportunity in Housing described in that Executive Order shall be performed by the Secretary of Housing and Urban Development.

(b) Sections 101 and 502(a) of Executive Order No. 11063 are revised to apply to discrimination because of "race, color, religion (creed), sex or national origin." All departments and agencies shall revise regulations, guidelines and procedures issued pursuant to Part II of Executive Order No. 11063 to reflect this amendment to coverage.

(c) [Deleted]

[Sec. 1-604(c) amends EO 11063 of Nov. 20, 1962, this chapter, p. 428. The amendment has been incorporated into that order.]

1-605. Nothing in this Order shall affect any requirement imposed under the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Home Mortgage Disclosure Act (12 U.S.C. 2901 *et seq.*) or the Community Reinvestment Act (12 U.S.C. 2810 *et seq.*).

1-7. *Report.*

1-701. The Secretary of Housing and Urban Development shall submit to the President an annual report commenting on the progress the Department of Housing and Urban Development and other Executive agencies have made in carrying out requirements and responsibilities under this Executive Order.

CHAPTER 25—INDIANS

Executive Orders

- 11435 Designating the Secretary of the Interior to accept on behalf of the United States retrocession by any State of certain criminal and civil jurisdiction over Indian country
- 12328 Federal employees contracting or trading with Indians

Executive Order 11435—Designating the Secretary of the Interior to accept on behalf of the United States retrocession by any State of certain criminal and civil jurisdiction over Indian country

SOURCE: The provisions of Executive Order 11435 of Nov. 21, 1968, appear at 33 FR 17339, 3 CFR, 1966-1970 Comp., p. 754, unless otherwise noted.

By virtue of the authority vested in me by section 465 of the Revised Statutes (25 U.S.C. 9) and as President of the United States, the Secretary of the Interior is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President or of any other officer of the United States, any and all authority conferred upon the United States by section 403(a) of the Act of April 11, 1968, 82 Stat. 79 (25 U.S.C. 1323(a)): *Provided*, That acceptance of retrocession of all or any measure of civil or criminal jurisdiction, or both, by the Secretary hereunder shall be effected by publication in the FEDERAL REGISTER of a notice which shall specify the jurisdiction retroceded and the effective date of the retrocession: *Provided further*, That acceptance of such retrocession of criminal jurisdiction shall be effected only after consultation by the Secretary with the Attorney General.

Executive Order 12328—Federal employees contracting or trading with Indians

SOURCE: The provisions of Executive Order 12328 of Oct. 8, 1981, appear at 46 FR 8667, 3 CFR, 1981 Comp., p. 186, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 437(b) of Title 18 of the United States Code (94

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Stat. 544; Public Law 96-277), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by Section 437(b) of Title 18 of the United States Code (94 Stat. 544; Public Law 96-277) to prescribe rules and regulations under which any officer, employee, or agent of the Bureau of Indian Affairs may purchase from or sell to any Indian any service or any real or personal property or any interest therein, are delegated to the Secretary of the Interior.

SEC. 2. The functions vested in the President by Section 437(b) of Title 18 of the United States Code (94 Stat. 544; Public Law 96-277) to prescribe rules and regulations under which any officer, employee, or agent of the Indian Health Service may purchase from or sell to any Indian any service or any real or personal property or any interest therein, are delegated to the Secretary of Health and Human Services.

SEC. 3. Until rules and regulations are issued pursuant to Sections 1 and 2 of this Order, those rules and regulations previously applicable to Federal employees contracting or trading with Indians are hereby adopted as the rules and regulations of the President pursuant to, and to the extent not inconsistent with, Section 437(b) of Title 18 of the United States Code (25 CFR 140.5 and 141.31).

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

CHAPTER 26—INTERNAL REVENUE

Executive Orders

- 10585 Designating the date of termination of combatant activities in Korea and waters adjacent thereto
- 101216 Designation of Vietnam and waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954

Executive Order 10585—Designating the date of termination of combatant activities in Korea and waters adjacent thereto

SOURCE: The provisions of Executive Order 10585 of Jan. 1, 1955, appear at 20 FR 17, 3 CFR, 1954-1958 Comp., p. 235, unless otherwise noted.

By virtue of the authority vested in me by section 112 (c) (3) of the Internal Revenue Code of 1954, January 31, 1955, as of midnight thereof, is hereby designated as the date of termination of combatant activities in the zone comprised of the area described in Executive Order No. 10195 of December 20, 1950 (15 F.R. 9177).

EDITORIAL NOTE: For your information the provisions of Executive Order 10195, which appear at 15 FR 9177, 3 CFR, 1949-1953 Comp., p. 373, are as follows:

Pursuant to the authority vested in me by section 22 (b) (13) of the Internal Revenue Code, as amended by section 202 (a) of the Revenue Act of 1950, approved September 13, 1950 (Public Law 814, 81st Congress), there is hereby designated, for the purposes of paragraph (13) of section 22 (b) of the Internal Revenue Code, as an area in which armed forces of the United States have engaged in combat:

Area, including the waters adjacent thereto within the following-described limits: From a point at Lat. 39°30' N, Long. 122°45' E southward to Lat. 33° N, Long. 122°45' E; thence eastward to Lat. 33° N, Long. 127°55' E; thence northeastward to Lat. 37°05' N, Long. 133° E; thence northward to Lat. 40°40' N, Long. 133° E; thence northeastward to a point on the east coast of Korea at the juncture of Korea with the U.S.S.R.

The date of the commencing of combatant activities in such area is hereby designated as June 27, 1950.

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Executive Order 11216—Designation of Vietnam and waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954

SOURCE: The provisions of Executive Order 11216 of Apr. 24, 1965, appear at 30 FR 5817, 3 CFR, 1964-1965 Comp., p. 301, unless otherwise noted.

Pursuant to the authority vested in me by section 112 of the Internal Revenue Code of 1954, I hereby designate, for the purposes of that section, as an area in which Armed Forces of the United States are and have been engaged in combat:

Vietnam, including the waters adjacent thereto within the following-described limits: From a point on the East Coast of Vietnam at the juncture of Vietnam with China south-eastward to 21° N Lat., 108° 15' E Long.; thence southward to 18° N Lat., 108° 15' E Long.; thence southeastward to 17° 30' N Lat., 111° E Long.; thence southward to 11° N Lat., 111° E Long.; thence southwestward to 7° N Lat., 105° E Long.; thence westward to 7° N Lat., 103° E Long.; thence northward to 9° 30' N Lat., 103° E Long.; thence northeastward to 10° 15' N Lat., 104° 27' E Long.; thence northward to a point on the West Coast of Vietnam at the juncture of Vietnam with Cambodia.

The date of the commencing of combatant activities in such area is hereby designated as January 1, 1964.

CHAPTER 27—[RESERVED]

CHAPTER 28—JUDICIAL ADMINISTRATION

Proclamations

- 4534 Constitution of the Northern Mariana Islands
- 4568 Application of certain laws of the United States to the Northern Mariana Islands
- 4726 Application of certain laws of the United States to the Northern Mariana Islands
- 4936 Application of certain United States laws to the Northern Mariana Islands
- 5307 Application of certain laws of the United States to citizens of the Northern Mariana Islands
- 5564 Placing into full force and effect the Covenant With the Commonwealth of the Northern Mariana Islands, and the Compacts of Free Association With the Federated States of Micronesia and the Republic of the Marshall Islands

Executive Orders

- 5725 Designating the Alien Property Custodian to administer the powers and authority conferred upon the President by sections 20 and 32 of the Trading With the Enemy Act, as amended
- 5747 Continuing the functions of the Alien Property Custodian and the Department of the Treasury in the Philippines
- 5756 Terminating the Office of Alien Property Custodian and transferring its functions to the Attorney General
- 5837 Designating the Department of Justice as a defense agency for certain purposes
- 5863 Authorizing the Attorney General to seize arms and munitions of war, and other articles, pursuant to section 1 of title VI of the act of June 15, 1917, as amended
- 5867 Readiness of the United States District Court for the District of Alaska to assume the functions imposed upon it
- 5960 Prescribing certain regulations and delegating to the Attorney General certain authority of the President to prescribe other regulations relating to the recovery from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States
- 6257 Relating to the implementation of the Treaty of Friendship and General Relations between the United States and Spain
- 6300 Relating to the implementation of the Convention between the United States and Greece

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- 11396 Providing for the coordination by the Attorney General of Federal law enforcement and crime prevention programs
- 11698 Relating to the implementation of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters
- 11755 Relating to prison labor
- 11919 Delegating authority of the President to concur in designations of Commissioners, United States Parole Commission
- 12068 Providing for transfer to the Attorney General of certain functions under section 707 of title VII of the Civil Rights Act of 1964, as amended
- 12146 Management of Federal legal resources
- 12250 Leadership and coordination of nondiscrimination laws
- 12283 Non-prosecution of claims of hostages and for actions at the United States Embassy and elsewhere
- 12284 Restrictions on the transfer of property of the former Shah of Iran
- 12294 Suspension of litigation against Iran
- 12544 Blocking Libyan Government property in the United States or held by U.S. persons

Proclamation 4534—Constitution of the Northern Mariana Islands

SOURCE: The provisions of Proclamation 4534 of Oct. 24, 1977, appear at 42 FR 5693; 3 CFR, 1977 Comp., p. 56, unless otherwise noted.

On February 15, 1975, the Marianas Political Status Commission, the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States signed a Covenant, the purpose of which is to provide for the eventual establishment of a Commonwealth of the Northern Mariana Islands in political union with the United States of America. This Covenant was subsequently approved by the Mariana Islands District Legislature and by the people of the Northern Mariana Islands voting in a plebiscite. The Covenant was approved by the Congress of the United States by joint resolution approved March 24, 1976 (Public Law 94-241; 90 Stat. 263).

In accordance with the provisions of Article II of the Covenant, the people of the Northern Mariana Islands have formulated and approved a Constitution which was submitted to me on behalf of the Government of the United States on April 21, 1977, for approval on the basis of its consistency with the Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. Pursuant to the provisions of Section 202 of the Covenant, the Constitution of the Northern Mariana Islands will be deemed to have been approved by the Government of the United States six months after the date of submission to the President unless sooner approved or disapproved.

The six-month period of Section 202 of the Covenant having expired on October 22, 1977, I am pleased to announce that the Constitution of the Northern Mariana Islands is hereby deemed approved.

I am satisfied that the Constitution of the Northern Mariana Islands complies with the requirements of Article II of the Covenant. I have also received advice from the Senate Committee on Energy and Natural Resources and the Subcommittee on National Parks and Insular Affairs of the House Committee on Interior and Insular Affairs that the Constitution complies with those requirements.

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Sections 1003(b) and 1004(b) of the Covenant provide that the Constitution of the Northern Mariana Islands and the provisions specified in Section 1003(b) of the Covenant shall become effective on a date proclaimed by the President which will be not more than 180 days after the Covenant and the Constitution of the Northern Mariana Islands have both been approved.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim as follows:

SECTION 1. The Constitution of the Northern Mariana Islands shall come into full force and effect at eleven o'clock on the morning of January 9, 1978, Northern Mariana Islands local time.

SEC. 2. Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601-605, 607, Article VII, Sections 802-805, 901 and 902 of the Covenant shall come into full force and effect on the date and at the time specified in Section 1 of this Proclamation.

SEC. 3. The authority of the President under Section 1004 of the Covenant to suspend the application of any provision of law to or in the Northern Mariana Islands until the termination of the Trusteeship Agreement is hereby reserved.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.

Proclamation 4568—Application of certain laws of the United States to the Northern Mariana Islands

SOURCE: The provisions of Proclamation 4568 of May 9, 1978, appear at 43 FR 19999, 3 CFR, 1978 Comp., p. 25, unless otherwise noted.

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence and to protect the rights and fundamental freedoms of its people.

In accordance with those obligations, the United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263). Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended.

Certain provisions of law restrict jury service in Federal District Courts to United States citizens. The vast majority of the inhabitants of the Northern Mariana Islands are not citizens of the United States and consequently may not participate as jurors in proceedings before the United States District Court for the Northern Mariana Islands. They may also be deprived of the right to have their cases heard before juries selected at random from a fair cross-section of their community. These

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results would be contrary to the obligations assumed by the United States in the Trusteeship Agreement.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby find, declare and proclaim as follows:

Any provision of the Constitution or laws of the United States which prescribes United States citizenship as a qualification for service on a grand or petit jury in the District Court for the Northern Mariana Islands, including that provision contained in Section 1865(b)(1) of Title 28 of the United States Code, would be inconsistent with the Trusteeship Agreement if applied to a citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands.

Therefore, the application to such individual of any of these provisions is suspended until the termination of the Trusteeship Agreement for the Former Japanese Mandated Islands in the Pacific (61 Stat. 3301).

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of May, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Proclamation 4726—Application of certain laws of the United States to the Northern Mariana Islands

SOURCE: The provisions of Proclamation 4726 of Feb. 21, 1980, appear at 45 FR 12368, 3 CFR, 1980 Comp., p. 19, unless otherwise noted.

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). Pursuant to Article 6, paragraph 2 of the Trusteeship Agreement, the United States has undertaken to promote the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Trust Territory of the Pacific Islands.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263) pursuant to which many provisions of the laws of the United States have become applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Sec. 2). Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended until the termination of that Agreement.

Certain provisions of the vessel documentation laws of the United States, applicable to the Northern Mariana Islands, prevent citizens of the Northern Mariana Islands and the Government of the Northern

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Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands. Because of the considerable distance of the Northern Mariana Islands from American shipyards and resultant high transportation costs associated with the purchase of American-built ships for use in the Northern Marianas fisheries, this result is inconsistent with the undertakings assumed by the United States in the Trusteeship Agreement to provide for the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Northern Mariana Islands.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby find, declare and proclaim as follows:

1. Any provision of the vessel documentation laws of the United States which prevents the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels, owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands, to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands, including that part of R.S. 4132, as amended, 46 U.S.C. 11, which reads "* * * which are to engage only in trade with foreign countries, with the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef * * *," would be inconsistent with the objectives of the Trusteeship Agreement to the extent it has this effect.

2. The application of any such provision to foreign-built, United States registered fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands, is suspended to the extent it is inconsistent as described in Section 1 above until the termination of the Trusteeship Agreement for the Former Japanese Mandated Islands in the Pacific (61 Stat. 3301). Foreign-built fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands may therefore be registered under R.S. 4132, as amended, 46 U.S.C. 11, and any restrictive endorsement upon such register, prescribed by 46 CFR 67.63-9(b) pursuant to 46 U.S.C. 11, shall be without effect insofar as it would prevent the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone surrounding the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands.

3. For the purposes of this proclamation, the seaward limit of the fishery conservation zone surrounding the Northern Mariana Islands is 200 nautical miles from the baseline from which the breadth of the ter-

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ritorial sea is measured, except that to the north of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 20° 52' 42" N., 141° 20' 53" E.
2. 23° 02' 19" N., 144° 00' 56" E.
3. 23° 53' 25" N., 145° 05' 59" E.

and, except that to the south of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

4. 15° 43' 28" N., 142° 05' 43" E.
5. 14° 55' 18" N., 143° 15' 29" E.
6. 14° 47' 43" N., 143° 26' 23" E.
7. 14° 30' 07" N., 143° 51' 50" E.
8. 14° 11' 10" N., 144° 26' 36" E.
9. 14° 05' 34" N., 144° 36' 47" E.
10. 13° 57' 14" N., 144° 51' 43" E.
11. 13° 53' 11" N., 144° 59' 19" E.
12. 13° 51' 18" N., 145° 03' 00" E.
13. 13° 51' 16" N., 145° 03' 05" E.
14. 13° 51' 00" N., 145° 03' 36" E.
15. 13° 50' 11" N., 145° 06' 15" E.
16. 13° 49' 15" N., 145° 08' 37" E.
17. 13° 47' 40" N., 145° 12' 31" E.
18. 13° 46' 00" N., 145° 16' 14" E.
19. 13° 45' 27" N., 145° 17' 23" E.
20. 13° 41' 18" N., 145° 26' 08" E.
21. 13° 37' 16" N., 145° 34' 33" E.
22. 13° 36' 23" N., 145° 36' 21" E.
23. 13° 35' 54" N., 145° 37' 14" E.
24. 13° 16' 24" N., 146° 12' 14" E.
25. 13° 05' 18" N., 146° 32' 02" E.
26. 13° 00' 17" N., 146° 41' 05" E.
27. 12° 33' 02" N., 147° 29' 57" E.
28. 12° 14' 34" N., 148° 03' 11" E.
29. 12° 13' 55" N., 148° 04' 31" E.

4. For the purposes of this proclamation, a "citizen of the Northern Mariana Islands" is defined as: (1) an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands; (2) a partnership, unincorporated company, or association whose members are all citizens of the Northern Mariana Islands as defined in (1) above; or (3) a corporation incorporated under the laws of the Northern Mariana Islands, of which the president or other chief executive officer and the chairman of the board of directors are citizens of the Northern Mariana Islands as defined in (1) above and no more of its directors than a minority of the number necessary to constitute a quorum are not citizens of the Northern Mariana Islands as defined in (1) above.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

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Proclamation 4938—Application of certain United States laws to the Northern Mariana Islands

SOURCE: The provisions of Proclamation 4938 of May 3, 1982, appear at 47 FR 19307, CFR, 1982 Comp., p. 49, unless otherwise noted.

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence, to protect the rights and fundamental freedoms of its peoples, and to guarantee freedom of speech and of the press.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263; 48 U.S.C. 1681 note) pursuant to which many provisions of the laws of the United States have become applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Section 2). Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended.

The Communications Act of 1934, as amended, is applicable to the Northern Mariana Islands. Certain provisions of that Act limit the issuance of licenses, other authorizations, and privileges to citizens of the United States. Other provisions of the Act prohibit the issuance of certain licenses to foreign governments, aliens, corporations organized under the laws of a foreign government, and corporations of which any officer or director is an alien, or of which more than one-fifth of the capital stock is owned by aliens, or to corporations which are directly or indirectly controlled by corporations under alien control.

The vast majority of the citizens of the Northern Mariana Islands will not become citizens of the United States until the termination of the Trusteeship Agreement. Consequently, the Government of the Northern Mariana Islands, its citizens, and corporations organized or existing under laws of the Northern Mariana Islands, as well as domestic corporations which have officers, directors, or stockholders in excess of 20 percent, who are citizens of the Northern Mariana Islands, which are otherwise under the control of Northern Mariana Islands interests cannot receive certain licenses, authorizations, and other privileges under the Act. This result would be inconsistent with the obligation assumed by the United States in the Trusteeship Agreement to protect the rights and fundamental freedoms of the people of the Trust Territory and to guarantee freedom of speech and of the press.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby declare and proclaim as follows:

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1. Any provision of the Constitution or laws of the United States which prohibits the issuance of a license or authority or the grant of a privilege under the Communications Act of 1934, as amended, to foreign governments, aliens, corporations organized or existing under the laws of the Northern Mariana Islands or to domestic corporations which have alien officers, directors, or stockholders, or which are otherwise directly or indirectly controlled by foreign interests would be inconsistent with the Trusteeship Agreement if applied to the Government of the Northern Mariana Islands, or to corporations organized or existing under the laws of the Northern Mariana Islands, and would be inconsistent with the Trusteeship Agreement to the extent that citizens of the Northern Mariana Islands would be considered as aliens or the Government of the Northern Mariana Islands a foreign government for the purposes of the administration of that Act.

2. The application of any such provision, including Sections 303 and 310 of the Communications Act of 1934, as amended (47 U.S.C. 303 and 310), to such Government, corporations, and persons is therefore suspended to the extent of such inconsistency until the termination of the Trusteeship Agreement pursuant to Section 1002 of the Covenant.

3. As used in this Proclamation: (a) "citizen of the Northern Mariana Island" means an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled within the meaning of Section 1005(e) of the Covenant in the Northern Mariana Islands, and a partnership, unincorporated company, or association whose members and officers are all citizens of the Northern Mariana Islands.

(b) "corporation organized or existing under the laws of the Northern Mariana Islands" means a corporation organized under the laws of the Government of the Northern Mariana Islands, including a predecessor government, which is doing business exclusively in the Northern Mariana Islands or in the United States.

(c) "Government of the Northern Mariana Islands" includes a political subdivision of the Government of the Northern Mariana Islands;

(d) "domestic corporation" means a corporation organized under the laws of the United States, a State, the District of Columbia, a Territory, or the Commonwealth of Puerto Rico.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Proclamation 5207—Application of certain laws of the United States to citizens of the Northern Mariana Islands

SOURCE: The provisions of Proclamation 5207 of June 7, 1984, appear at 49 FR 24365, 3 CFR, 1984 Comp., p. 64, unless otherwise noted.

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence and to protect the rights and fundamental freedoms of its peoples.

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The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263; 48 U.S.C. 1681, note) pursuant to which many provisions of the laws of the United States became applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Section 2).

Sections 19 and 20 of Public Law 98-213 (97 Stat. 1464) authorize the President, subject to certain limitations, to provide by proclamation that requirements "of United States citizenship or nationality provided for in any of the statutes listed on pages 63-74 of the Interim Report of the Northern Mariana Islands Commission on Federal Laws to the Congress of the United States, dated January 1982 and submitted pursuant to section 504 of the Covenant, shall not be applicable to the citizens of the Northern Mariana Islands."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by sections 19 and 20 of Public Law 98-213, do hereby proclaim as follows:

1. *Statutes relating to the uniformed services.* No requirement of United States citizenship in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant to become a national but not a citizen of the United States.

(a) Sections 311, 510, 591, 2004, 2031, 2107, 4348, 6019, 6911, 6958, 8959, 8257, and 9348 of title 10, United States Code;

(b) Sections 195, 371, 706, and 823 of title 14, United States Code;

(c) Section 313 of title 32, United States Code.

2. *Statutes relating to Federal employment.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 5342, 5343, 5561, 5595, 5912, 5922, 6301, 7103, 7532, 8171, 8501, 8701, and 8901 of title 5, United States Code;

(b) Section 22 of title 13, United States Code;

(c) Section 2 of Public Law 86-91, 73 Stat. 213 (20 U.S.C. 901);

(d) Section 636 of Public Law 87-195, 75 Stat. 457, as amended (22 U.S.C. 2396);

(e) Sections 5 and 6 of Public Law 87-293, 75 Stat. 613, 615, as amended (22 U.S.C. 2504 and 2505);

(f) Section 15 of Public Law 90-202, as added by section 28(b)(2) of Public Law 93-259, 88 Stat. 74, and as amended (29 U.S.C. 633a);

(g) Sections 235 and 4105 of title 38, United States Code;

(h) Section 203 of the Act of July 1, 1944, c.373, 58 Stat. 683, as amended (42 U.S.C. 204); and

(i) Civil Service Rules VII and VIII (5 C.F.R. parts 7 and 8).

3. *Statutes relating to protection and services in foreign countries.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Section 1486 of title 10, United States Code;

(b) Section 3(g) of the Act of August 1, 1956, c.841, 70 Stat. 890 (22 U.S.C. 2670(g));

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(c) Sections 1734 and 1737 of the Revised Statutes of 1878, as amended (22 U.S.C. 4217 and 4218);

(d) Sections 1305 and 3342 of title 31, United States Code;

(e) Section 4295 of the Revised Statutes of 1878 (33 U.S.C. 383); and

(f) Section 1113 of the Act of August 14, 1935, c.531, as added by section 302 of Public Law 87-64, 75 Stat. 142, and as amended (42 U.S.C. 1313).

4. *Statutes relating to commerce.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Sections 302, 310D, 311, and 321 of Public Law 87-128, 75 Stat. 307, as added and amended (7 U.S.C. 1922, 1934, 1941, and 1961);

(b) Section 5146 of the Revised Statutes of 1878, as amended (12 U.S.C. 72);

(c) Subsection (a) of section 25 of the Act of December 23, 1913, c.6, as added by the Act of December 24, 1919, c.18, 41 Stat. 378, and as amended (12 U.S.C. 619);

(d) Subsection (a) of section 7 of the Act of July 22, 1932, c.522, 47 Stat. 730, as amended (12 U.S.C. 1427(a));

(e) Subsection (b) of section 5.1 of Public Law 92-181, 85 Stat. 614 (12 U.S.C. 2222);

(f) Subsection (i) of section 44 of the Act of July 5, 1946, c.540, 60 Stat. 443, as amended (15 U.S.C. 1126(i));

(g) Subsection (b)(7) of section 4 of the Act of August 8, 1956, c.1036, 70 Stat. 1121, as amended (16 U.S.C. 742c(b)(7));

(h) Subsection (e) of section 4 of the Act of June 10, 1920, c.285, 41 Stat. 1065, as amended (16 U.S.C. 797(e));

(i) Section 104(b) of title 17, United States Code;

(j) Subsection (a) of section 526 of the Act of June 17, 1930, c.497, 46 Stat. 741, as amended (19 U.S.C. 1526(a));

(k) Subsection (a)(5) of section 2 of the Act of June 20, 1936, c.638, 49 Stat. 1559, as amended (20 U.S.C. 107a(a)(5));

(l) Section 238 of Public Law 87-195, as added by section 105 of Public Law 91-175, 82 Stat. 816, and as amended (22 U.S.C. 2198);

(m) Subsection (b)(7) of section 622 of Public Law 96-294, 94 Stat. 766 (30 U.S.C. 1522(b)(7));

(n) Subsection (5) of section 3 of Public Law 93-627, 88 Stat. 2127 (33 U.S.C. 1502(5));

(o) Subsection (f)(3) of section 514 of the Act of July 15, 1949, c.338, as added by subsection (a) of section 804 of Public Law 87-70, 75 Stat. 186, and as amended (42 U.S.C. 1484(f)(3));

(p) Subsection (d) of section 103 and subsection (d) of section 104 of the Act of August 1, 1946, c.724, as added by section 1 of the Act of August 30, 1954, c.1073, 68 Stat. 936 and as amended (42 U.S.C. 2133(d) and 2134(d));

(q) Subsection (b)(2)(A) of section 7 of Public Law 93-577, 88 Stat. 1884 (42 U.S.C. 5906(b)(2)(A));

(r) Subsection (p)(1) of section 19 of Public Law 93-577, as added by subsection (b) of section 207 of Public Law 95-238, 92 Stat. 61 (42 U.S.C. 5919(p)(1));

(s) Subsection (b) of section 179 of Public Law 96-294, 94 Stat. 679 (42 U.S.C. 8779(b)(4));

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- (r) Subsection (a)(3) of section 2, subsection (18) of section 3, section 101, and subsection (e)(2)(C) of section 108 of Public Law 96-320, 94 Stat. 974, 976, 987 (42 U.S.C. 9101(a)(3); 9102(18); 9111; and 1118(e)(2)(C));
 - (u) Section 4219 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 121);
 - (v) Sections 7102 and 8103 of title 46, United States Code;
 - (w) Section 4377 of the Revised Statutes of 1878, as amended (46 U.S.C. App. 325);
 - (x) Section 36 of the Act of September 7, 1916, c.451, 39 Stat. 738 (46 U.S.C. App. 834);
 - (y) Sections 501, 509, 601, 809(a), of the Act of June 29, 1936, c.858, 49 Stat. 1995, 2000, 2001, 2015, as amended (46 U.S.C. App. 1151, 1159, 1171, 1213);
 - (z) Sections 1103 and 1104 of the Act of June 23, 1938, c.600, 52 Stat. 69, 970, as added and amended (46 U.S.C. App. 1273 and 1274);
 - (aa) Subsection (a) of section 203 of Public Law 96-320, 94 Stat. 992 (46 U.S.C. App. 1279c(a));
 - (bb) Sections 1201 and 1203 of the Act of June 29, 1936, c.858, as added by the Act of September 7, 1950, c.906, 64 Stat. 773, and as amended (46 U.S.C. App. 1281 and 1283);
 - (cc) Sections 1301, 1303, 1304, and 1306 of Public Law 96-453, 94 Stat. 1997, 1998, 2003, 2006 (46 U.S.C. App. 1295, 1295b, 1295c, and 1295e);
 - (dd) Subsection (16) of section 101, section 104, subsection (d)(4) of section 401, and section 418 of Public Law 85-726, 72 Stat. 738, 740, 744, as added and amended (49 U.S.C. 1301(16), 1304, and 1371(d)(4));
 - (ee) Section 418 of Public Law 85-726, as added by subsection (a) of section 17 of Public Law 95-163, 91 Stat. 1284, and as amended (49 U.S.C. 1388); and
 - (ff) Sections 501, 602, and 1303 of Public Law 85-726, 72 Stat. 771, 776, 801, as amended (49 U.S.C. 1401, 1422, and 1533).
5. *Statutes relating to political and civil rights.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands, provided, however, that nothing herein shall be construed to confer on citizens of the Northern Mariana Islands the right to vote in Federal, State, or local elections outside the Northern Mariana Islands, or serve on juries outside of the Northern Mariana Islands.
- (a) Section 319 of Public Law 92-225, as added by subsection (2) of section 112 of Public Law 94-283, 90 Stat. 486, and as redesignated by subsection (5) of section 105 of Public Law 96-187, 93 Stat. 1354 (2 U.S.C. 441e);
 - (b) Section 552a(a)(2) of title 5, United States Code;
 - (c) Sections 241 and 243, subsection (b)(5) of section 245, and subsection (a) of section 4001 of title 18, United States Code;
 - (d) Sections 4080 and 4081 of the Revised Statutes of 1878, as amended (22 U.S.C. 257 and 258);
 - (e) Subsection (b)(2) of section 1 of the Act of June 8, 1938, c.327, 52 Stat. 631, as amended (22 U.S.C. 611(b)(2));
 - (f) Sections 1332, 1343, 1344, 1391, 1443, 1861, 1862, and 1863 of title 18, United States Code;

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(g) Section 505 of the Act of June 30, 1948, c.758, as added by section 2 of Public Law 92-500, 86 Stat. 888 (33 U.S.C. 1365);

(h) Subsection (a)(1) of section 2004 of the Revised Statutes of 1878, as amended (42 U.S.C. 1971(a)(1));

(i) Section 2, subsection (b) of section 3, section 4, and subsection (a) of section 10 of Public Law 89-110, as amended, 79 Stat. 437, 438, 442 (42 U.S.C. 1973, 1973a(b), 1973b, and 1973h(a));

(j) Subsection (a) of section 201 of Public Law 89-110, as added by section 6 of Public Law 91-285, 84 Stat. 315, and as amended (42 U.S.C. 1973aa(a));

(k) Section 203 of Public Law 89-110, as added by section 301 of Public Law 94-73, 89 Stat. 402 (42 U.S.C. 1973aa-1a);

(l) Section 5 of Public Law 98-183, 97 Stat. 1304 (42 U.S.C. 1975c);

(m) Section 1979 of the Revised Statutes of 1878, as amended (42 U.S.C. 1983);

(n) Section 1980 of the Revised Statutes of 1878 (42 U.S.C. 1985);

(o) Section 702 of Public Law 88-352, 78 Stat. 255, as amended (42 U.S.C. 2000e-1);

(p) Section 717 of Public Law 88-352, as added and amended by section 11 of Public Law 92-261, 86 Stat. 111 (42 U.S.C. 2000e-16);

(q) Section 2 of the Act of March 2, 1917, c.145, 39 Stat. 951, as amended (48 U.S.C. 737);

(r) Subsection (i) of section 101 of Public Law 95-511, 92 Stat. 1783 (50 U.S.C. 1801);

(s) Subsection (b)(3) of section 10 of the Act of June 24, 1948, c.625, 62 Stat. 619, as amended (50 U.S.C. App. 460(b)(3));

(t) Section 104 of the Act of October 17, 1940, c.888, as added by section 4 of the Act of October 6, 1942, c.581, 56 Stat. 770 (50 U.S.C. App. 514); and

(u) Section 512 of the Act of October 17, 1940, c.888, 54 Stat. 1190, as amended (50 U.S.C. App. 572).

6. *Statutes relating to Federal programs and benefits.* No requirement of United States citizenship or nationality in any of the Federal laws listed below shall be applicable to citizens of the Northern Mariana Islands.

(a) Subsection (a) of section 2545 of title 10, United States Code;

(b) Subsection (m)(2) of section 2[3] of the Act of September 21, 1950, c.967, as added by section 6(c)(4) of Public Law 95-369, 92 Stat. 614 (12 U.S.C. 1813(m)(2));

(c) Subsection (b) of section 500 of title 14, United States Code;

(d) Paragraphs (4) and (5) of subsection (a) of section 4 of Public Law 88-578, as added by section 2 of Public Law 92-347, 86 Stat. 459, as amended, and by subsection (2) of section 9 of Public Law 96-344, 94 Stat. 1135 (16 U.S.C. 460/-6a(a)(4) and (5));

(e) Section 29 of the Act of August 1, 1956, c.841, as added by section 2201 of Public Law 96-465, 94 Stat. 2154 (22 U.S.C. 2701);

(f) Subsection (g) of section 9 of the Act of March 4, 1927, c.509, 44 Stat. 1430, as amended (33 U.S.C. 909(g));

(g) Subsection (b) of section 624 of title 38, United States Code;

(h) Subsection (b)(12) of section 788, of the Act of July 1, 1944, c.373, as added by subsection (a) of section 801 of Public Law 94-484, 90 Stat. 2318, as amended (42 U.S.C. 295g-8(b)(12));

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- (i) Subsection (b)(3) of section 2 and section 4 of the Act of August 14, 1935, c.531, 49 Stat. 620, 622, as amended (42 U.S.C. 302(b)(3) and 304);
- (j) Subsection (t) of section 202 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 118 of the Act of August 1, 1956, c.836, 70 Stat. 835, and as amended (42 U.S.C. 402(t));
- (k) Subsection (a)(4) of section 103 of Public Law 89-97, 79 Stat. 333, as amended (42 U.S.C. 426a(a)(4));
- (l) Subsection (a)(3) of section 228 of the Act of August 14, 1935, c.531, as added by subsection (a) of section 302 of Public Law 89-368, 80 Stat. 67, as amended (42 U.S.C. 428(a)(3));
- (m) Subsection (b)(2) of section 1002 and section 1004 of the Act of August 14, 1935, c.531, 49 Stat. 646, as amended (42 U.S.C. 1202(b)(2) and 1204);
- (n) Subsection (b)(2) of section 1402 and section 1404 of the Act of August 14, 1935, c.531, as added by section 351 of the Act of August 28, 1950, c.809, 64 Stat. 555 (42 U.S.C. 1352(b)(2) and 1354);
- (o) Subsection (b) of section 2 of the Act of August 16, 1941, c.357, 55 Stat. 623 (42 U.S.C. 1652(b));
- (p) Subsection (c) of section 101 of the Act of December 2, 1942, c.668, 56 Stat. 1028, as amended (42 U.S.C. 1701(c));
- (q) Section 10 of the Act of May 10, 1950, c.171, 64 Stat. 152, as amended (42 U.S.C. 1869);
- (r) Subsection (c) of section 2 of Public Law 86-209, 73 Stat. 431 (42 U.S.C. 1881(c)); and
- (s) Section 2 of the Act of August 3, 1950, c.520, 64 Stat. 397 (42 U.S.C. 1922).

7. As used in this Proclamation:

- (a) "Covenant" means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by the Joint Resolution of March 24, 1976 (90 Stat. 263, 48 U.S.C. 1681, note).
- (b) "Citizen of the Northern Mariana Islands" means a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—
 - (1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or
 - (2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975.
- (c) "Domicile" means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.
- (d) "Statute which imposes a requirement of United States citizenship or nationality" includes any statute which denies a benefit or imposes a burden or a disability on an alien, his dependents, or his survivors.

8. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant, the benefits

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acquired under this Proclamation shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant to become a national but not a citizen of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Proclamation 5564—Placing into full force and effect the Covenant With the Commonwealth of the Northern Mariana Islands, and the Compacts of Free Association With the Federated States of Micronesia and the Republic of the Marshall Islands

SOURCE: The provisions of Proclamation 5564 of Nov. 3, 1986, appear at 51 FR 40394, 3 CFR, 1986 Comp., p. 146, unless otherwise noted.

Since July 18, 1947, the United States has administered the United Nations Trust Territory of the Pacific Islands ("Trust Territory"), which includes the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

On February 15, 1975, after extensive status negotiations, the United States and the Marianas Political Status Commission concluded a Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States ("Covenant"). Sections 101, 1002, and 1003(c) of the Covenant provide that the Northern Mariana Islands will become a self-governing Commonwealth in political union with and under the sovereignty of the United States. This Covenant was approved by the Congress by Public Law 94-241 of March 24, 1976, 90 Stat. 263. Although many sections of the Covenant became effective in 1976 and 1978, certain sections have not previously entered into force.

On October 1, 1982, the Government of the United States and the Government of the Federated States of Micronesia concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments. On June 25, 1983, the Government of the United States and the Government of the Marshall Islands concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments. Pursuant to Sections 111 and 121 of the Compacts, the Federated States of Micronesia and the Republic of the Marshall Islands become self-governing and have the right to conduct foreign affairs in their own name and right upon the effective date of their respective Compacts. Each Compact comes into effect upon (1) mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the other Government; (2) the approval of the Compact by the two Governments, in accordance with their constitutional processes; and (3) the conduct of a plebiscite in that jurisdiction. In the Federated States of Micronesia, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United Nations-observed plebiscite on June 21, 1983, a sovereign act of self-determination.

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In the Marshall Islands, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United Nations-observed plebiscite on September 7, 1983, a sovereign act of self-determination. In the United States the Compacts have been approved by Public Law 99-239 of January 14, 1986, 99 Stat. 1770.

On January 10, 1986, the Government of the United States and the Government of the Republic of Palau concluded a Compact of Free Association, establishing a similar relationship of Free Association between the two Governments. On October 16, 1986, the Congress of the United States approved the Compact of Free Association with the Republic of Palau. In the Republic of Palau, the Compact approval process has not yet been completed. Until the future political status of Palau is resolved, the United States will continue to discharge its responsibilities in Palau as Administering Authority under the Trusteeship Agreement.

On May 28, 1986, the Trusteeship Council of the United Nations concluded that the Government of the United States had satisfactorily discharged its obligations as the Administering Authority under the terms of the Trusteeship Agreement and that the people of the Northern Mariana Islands, the Federated States of Micronesia, and the Republic of the Marshall Islands had freely exercised their right to self-determination, and considered that it was appropriate for that Agreement to be terminated. The Council asked the United States to consult with the governments concerned to agree on a date for entry into force of their respective new status agreements.

On October 15, 1986, the Government of the United States and the Government of the Republic of the Marshall Islands agreed, pursuant to Section 411 of the Compact of Free Association, that as between the United States and the Republic of the Marshall Islands, the effective date of the Compact shall be October 21, 1986.

On October 24, 1986, the Government of the United States and the Government of the Federated States of Micronesia agreed, pursuant to Section 411 of the Compact of Free Association, that as between the United States and the Federated States of Micronesia, the effective date of the Compact shall be November 3, 1986.

On October 24, 1986, the United States advised the Secretary General of the United Nations that, as a consequence of consultations held between the United States Government and the Government of the Marshall Islands, agreement had been reached that the Compact of Free Association with the Marshall Islands entered fully into force on October 21, 1986. The United States further advised the Secretary General that, as a result of consultations with their governments, agreement had been reached that the Compact of Free Association with the Federated States of Micronesia and the Covenant with the Commonwealth of the Northern Mariana Islands would enter into force on November 3, 1986.

As of this day, November 3, 1986, the United States has fulfilled its obligations under the Trusteeship Agreement with respect to the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia, and they are self-governing and no longer subject to the Trusteeship. In taking these actions, the United States is implementing the freely expressed wishes of

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the peoples of the Northern Mariana Islands, the Federated States of Micronesia, and the Marshall Islands.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including Section 1002 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and Sections 101 and 102 of the Joint Resolution to approve the "Compact of Free Association", and for other purposes, approved on January 14, 1986 (Public Law 99-239), do hereby find, declare, and proclaim as follows:

SECTION 1. I determine that the Trusteeship Agreement for the Pacific Islands is no longer in effect as of October 21, 1986, with respect to the Republic of the Marshall Islands, as of November 3, 1986, with respect to the Federated States of Micronesia, and as of November 3, 1986, with respect to the Northern Mariana Islands. This constitutes the determination referred to in Section 1002 of the Covenant.

SEC. 2. (a) Sections 101, 104, 301, 302, 303, 506, 806, and 904 of the Covenant are effective as of 12:01 a.m., November 4, 1986, Northern Mariana Islands local time.

(b) The Commonwealth of the Northern Mariana Islands in political union with and under the sovereignty of the United States of America is fully established on the date and at the time specified in Section 2(a) of this Proclamation.

(c) The domiciliaries of the Northern Mariana Islands are citizens of the United States to the extent provided for in Sections 301 through 303 of the Covenant on the date and at the time specified in this Proclamation.

(d) I welcome the Commonwealth of the Northern Mariana Islands into the American family and congratulate our new fellow citizens.

SEC. 3. (a) The Compact of Free Association with the Republic of the Marshall Islands is in full force and effect as of October 21, 1986, and the Compact of Free Association with the Federated States of Micronesia is in full force and effect as of November 3, 1986.

(b) I am gratified that the people of the Federated States of Micronesia and the Republic of the Marshall Islands, after nearly forty years of Trusteeship, have freely chosen to establish a relationship of Free Association with the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of November, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Executive Order 9725—Designating the Alien Property Custodian to administer the powers and authority conferred upon the President by sections 20 and 32 of the Trading With the Enemy Act, as amended

SOURCE: The provisions of Executive Order 9725 of May 16, 1946, appear at 11 FR 5381, 3 CFR, 1943-1948 Comp., p. 529, unless otherwise noted.

By virtue of the authority vested in me by Title III of the First War Powers Act, 1941 (50 U.S.C. App., Sup., 616 et seq.), as amended, by the Trading with the Enemy Act of October 6, 1917 (50 U.S.C. App., 1

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et seq.), as amended, and as President of the United States, it is hereby ordered as follows:

The Alien Property Custodian¹ is designated as the officer to administer the powers and authority conferred upon the President by section 20 of the Trading with the Enemy Act, as amended by Public Law 322, 79th Congress, approved March 8, 1946, and by section 32 of the said act, as added by the said Public Law 322.

The Alien Property Custodian may delegate to officers and employees of the Office of Alien Property Custodian such functions as he may deem necessary to carry out the provisions of this order.

This order shall not be construed as revoking or limiting any power or authority heretofore delegated to the Alien Property Custodian.

Executive Order 9747—Continuing the functions of the Alien Property Custodian and the Department of the Treasury in the Philippines

SOURCE: The provisions of Executive Order 9747 of July 3, 1946, appear at 11 FR 1918, 3 CFR, 1943-1948 Comp., p. 556, unless otherwise noted.

CROSS REFERENCE: Executive Order 9788 of Oct. 14, 1946, below, supersedes Executive Order 9747 to the extent that it is in conflict with that order.

By virtue of the authority vested in me by the Constitution and statutes, including Title III of the First War Powers Act, 1941 (50 U.S.C. App., Sup., 616 et seq.), as amended, the Trading With the Enemy Act of October 6, 1917 (50 U.S.C. App., 1 et seq.), as amended, and Public Law No. 485, 79th Congress, approved July 3, 1946, and as President of the United States, it is hereby ordered as follows:

The terms and provisions of Executive Order 9095 of March 11, 1942, as amended, and Executive Order No. 8389 of April 10, 1940, as amended, shall continue in force in the Philippines after July 4, 1946, and all powers and authority delegated by the said Executive Orders to the Alien Property Custodian and to the Secretary of the Treasury, respectively, shall, after July 4, 1946, continue to be exercised in the Philippines by the said officers, respectively, as therein provided.

Executive Order 9788—Terminating the Office of Alien Property Custodian and transferring its functions to the Attorney General

SOURCE: The provisions of Executive Order 9788 of Oct. 14, 1946, appear at 11 FR 1981, 12123, 3 CFR, 1943-1948 Comp., p. 575, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, and the First War Powers Act, 1941, 55 Stat.

¹ EDITORIAL NOTE: The Office of Alien Property Custodian was terminated by Executive Order 9788 of Oct. 14, 1946, 11 FR 11981, 12123, 3 CFR 1943-1948 Comp., p. 575, and its functions were transferred to the Attorney General of the United States. The functions transfer was made permanent by Reorganization Plan No. 1 of 1947, 12 FR 34, 3 CFR, 1943-1948 Comp., p. 1070, effective July 1, 1947. The Office of Alien Property was transferred to the Civil Division of the Department of Justice by Attorney General Order 249-61 of Sept. 1, 1961, and was subsequently abolished by Executive Order 281 of May 13, 1966, 31 FR 7215, 3 CFR, 1955-1970 Comp., p. 546. The remaining functions were transferred to the Secretary of the Treasury.

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838, as amended, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Office of Alien Property Custodian in the Office for Emergency Management of the Executive Office of the President, established by Executive Order No. 9095 of March 11, 1942, is hereby terminated; and all authority, rights, privileges, powers, duties, and functions vested in such Office or in the Alien Property Custodian or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Alien Property Custodian or seized by him, and all proceeds thereof, which are held or administered by him on the effective date of this order are hereby transferred to the Attorney General.

3. All personnel, property, records, and funds of the Office of Alien Property Custodian are hereby transferred to the Department of Justice.

4. This order supersedes all prior Executive orders to the extent that they are in conflict with this order.

5. This order shall become effective on October 15, 1946.

EDITORIAL NOTE: The transfer of functions to the Department of Justice was made permanent by Reorganization Plan No. 1 of 1947, 12 FR 4534, 3 CFR, 1943-1948 Comp., p. 1070, effective July 1, 1947. The Office of Alien Property was transferred to the Civil Division of the Department of Justice by Attorney General Order 249-61 of Sept. 1, 1961, and was subsequently abolished by Executive Order 11281 of May 13, 1966, Chapter 31, p. 510.

Executive Order 10457—Designating the Department of Justice as a defense agency for certain purposes

SOURCE: The provisions of Executive Order 10457 of May 27, 1953, appear at 18 FR 3083, 3 CFR, 1949-1953 Comp., p. 943, unless otherwise noted.

WHEREAS chapter 17 of title 35 of the United States Code provides in part that whenever the publication or disclosure of any invention by the granting of a patent therefor might be detrimental to the national security, the invention may be kept secret and the granting of a patent withheld under the conditions and to the extent set out therein;

WHEREAS section 181 of the said chapter 17 provides in part as follows:

Whenever the publication or disclosure of an invention by the granting of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the application for patent in which such invention is disclosed available for inspection to the Atomic Energy Commission,¹ the Secretary of Defense, and the chief officer of any other department or

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

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agency of the Government designated by the President as a defense agency of the United States.

AND WHEREAS it appears that it would be in the interest of the national security to make the designation hereinafter described:

NOW, THEREFORE, by virtue of the authority vested in me by the above-quoted provision of law, I hereby designate the Department of Justice as a defense agency of the United States for the purposes of the said chapter 17 of title 35 of the United States Code.

Executive Order 10863—Authorizing the Attorney General to seize arms and munitions of war, and other articles, pursuant to section 1 of title VI of the act of June 15, 1917, as amended

SOURCE: The provisions of Executive Order 10863 of Feb. 18, 1960, appear at 25 FR 307, 3 CFR, 1959–1963 Comp., p. 397, unless otherwise noted.

By virtue of the authority vested in me by section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401), it is ordered as follows:

SECTION 1. The Attorney General is hereby designated under section 1 of Title VI of the act of June 15, 1917, as amended by section 1 of the act of August 13, 1953, as a person duly authorized to seize and retain arms or munitions of war or other articles, and to seize and retain any vessel, vehicle, or aircraft containing such items or which have been, or is being, used in exporting or attempting to export such arms or munitions of war or other articles, whenever an attempt is made to export or ship from or take out of the United States such arms or munitions of war or other articles in violation of law, or whenever it is known, or there is probable cause to believe, that such arms or munitions of war or other articles are intended to be, or are being or have been, exported or removed from the United States in violation of law.

SEC. 2. The authority conferred upon the Attorney General by section 1 of this order may be exercised by any officer of the Department of Justice designated for such purpose by the Attorney General.

Executive Order 10867—Readiness of the United States District Court for the District of Alaska to assume the functions imposed upon it

SOURCE: The provisions of Executive Order 10867 of Feb. 20, 1960, appear at 25 FR 307, 3 CFR, 1959–1963 Comp., p. 401, unless otherwise noted.

WHEREAS the act of July 7, 1958, 72 Stat. 339, relating to the admission of the State of Alaska into the Union, provides that the United States District Court for the Territory of Alaska shall continue to function theretofore for a period of three years after the effective date of the act, unless the President, by Executive order, shall sooner proclaim the United States District Court for the District of Alaska, established in accordance with the provisions of that act, is prepared to assume the functions imposed upon it; and

WHEREAS that act further provides that its provisions relating to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and satisfaction of the rights of litigants in suits before such courts shall

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not be effective until the expiration of the above-mentioned three-year period or until such Executive order is issued; and that the tenure of the judges, the United States Attorneys, Marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function; and

WHEREAS, I have appointed, by and with the advice and consent of the Senate, and commissioned the Honorable Walter N. Hodge to be United States District Judge for the District of Alaska, and he has taken his oath of office; and

WHEREAS Judge Hodge has appointed an acting United States Attorney, an acting United States Marshal, and other court officers; and

WHEREAS the United States District Court for the District of Alaska is now prepared to assume the functions imposed upon it:

NOW, THEREFORE, by virtue of the authority vested in me by section 18 of the said act of July 7, 1958, I hereby proclaim that the United States District Court for the District of Alaska is prepared to assume the functions imposed upon it. Accordingly, the jurisdiction of the District Court for the Territory of Alaska and the tenure of the judges, the United States Attorneys, Marshals, and other officers of that court are now terminated.

Executive Order 11060—Prescribing certain regulations and delegating to the Attorney General certain authority of the President to prescribe other regulations relating to the recovery from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States

SOURCE: The provisions of Executive Order 11060 of Nov. 7, 1962, appear at 27 FR 10925, 3 CFR, 1959-1963 Comp., p. 651, unless otherwise noted.

Under and by virtue of the authority vested in me by Title 3 of the United States Code and by Section 2(a) of the Act of September 25, 1962 (Public Law 87-693), it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget shall, for the purposes of the Act of September 25, 1962, from time to time, determine and establish rates that represent the reasonable value of hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. Except as provided in Section 1 of this order, the Attorney General shall prescribe regulations to carry out the purposes of the Act of September 25, 1962.

Executive Order 11267—Relating to the implementation of the Treaty of Friendship and General Relations between the United States and Spain

SOURCE: The provisions of Executive Order 11267 of Jan. 19, 1966, appear at 31 FR 807, 3 CFR, 1966-1970 Comp., p. 533, unless otherwise noted.

Under and by virtue of the authority vested in me as President of the United States of America, particularly with respect to the conduct of the foreign relations of this Nation, and in order to ensure that Article

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XXIV of the Treaty of Friendship and General Relations between the United States and Spain (33 Stat. 2105, 2117) can be observed and fulfilled with good faith by the United States, I hereby designate the Attorney General of the United States, and such other officers and employees of the Executive Branch of the Government as he may from time to time specify, to be the "competent national authorities" on the part of the United States within the meaning of Article XXIV of the Treaty. The Attorney General, and the designees specified by him, shall fulfill the obligations assumed by the United States pursuant to Article XXIV of the Treaty in the manner and form therein prescribed.

Executive Order 11300—Relating to the implementation of the Convention between the United States and Greece

SOURCE: The provisions of Executive Order 11300 of Aug. 17, 1966, appear at 31 FR 11009, 3 CFR, 1966-1970 Comp., p. 576, unless otherwise noted.

Under and by virtue of the authority vested in me as President of the United States of America, particularly with respect to the conduct of the foreign relations of this Nation, and in order to ensure that Article XIII of the Convention between the United States and Greece (33 Stat. 2122, 2131) can be observed and fulfilled with good faith by the United States, I hereby designate the Attorney General of the United States, and such other officers and employees of the Executive Branch of the Government as he may from time to time specify, to be the "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention. The Attorney General, and the designees specified by him, shall fulfill the obligations assumed by the United States pursuant to Article XIII of the Convention in the manner and form therein prescribed.

Executive Order 11396—Providing for the coordination by the Attorney General of Federal law enforcement and crime prevention programs

SOURCE: The provisions of Executive Order 11396 of Feb. 7, 1968, appear at 33 FR 2689, 3 CFR, 1966-1970 Comp., p. 711, unless otherwise noted.

WHEREAS the problem of crime in America today presents the Nation with a major challenge calling for maximum law enforcement efforts at every level of Government;

WHEREAS coordination of all Federal criminal law enforcement activities and crime prevention programs is desirable in order to achieve more effective results;

WHEREAS the Federal Government has acknowledged the need to provide assistance to State and local law enforcement agencies in the development and administration of programs directed to the prevention and control of crime;

WHEREAS to provide such assistance the Congress has authorized various departments and agencies of the Federal Government to develop programs which may benefit State and local efforts directed at the prevention and control of crime, and the coordination of such programs is desirable to develop and administer them most effectively; and

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WHEREAS the Attorney General, as the chief law officer of the Federal Government, is charged with the responsibility for all prosecutions for violations of the Federal criminal statutes and is authorized under the Law Enforcement Assistance Act of 1965 (79 Stat. 828) to cooperate with and assist State, local, or other public or private agencies in matters relating to law enforcement organization, techniques and practices, and the prevention and control of crime:

NOW, THEREFORE, by virtue of the authority vested in the President by the Constitution and laws of the United States, it is ordered as follows:

SECTION 1. The Attorney General is hereby designated to facilitate and coordinate (1) the criminal law enforcement activities and crime prevention programs of all Federal departments and agencies, and (2) the activities of such departments and agencies relating to the development and implementation of Federal programs which are designed, in whole or in substantial part, to assist State and local law enforcement agencies and crime prevention activities. The Attorney General may promulgate such rules and regulations and take such actions as he shall deem necessary or appropriate to carry out his functions under this Order.

SEC. 2. Each Federal department and agency is directed to cooperate with the Attorney General in the performance of his functions under this Order and shall, to the extent permitted by law and within the limits of available funds, furnish him such reports, information, and assistance as he may request.

Executive Order 11698—Relating to the implementation of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters

SOURCE: The provisions of Executive Order 11698 of Jan. 19, 1973, appear at 38 FR 2207, 3 CFR, 1971-1975 Comp., p. 750, unless otherwise noted.

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters was ratified by the United States of America and was proclaimed by the President on September 15, 1972. It came into force on October 7, 1972. By Article 2 of the Convention each of the Contracting States undertakes to designate a Central Authority to implement the Convention.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America, it is ordered as follows:

The Department of Justice is designated as the Central Authority to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them.

Executive Order 11755—Relating to prison labor

SOURCE: The provisions of Executive Order 11755 of Dec. 29, 1973, appear at 39 FR 779, 3 CFR, 1971-1975 Comp., p. 837, unless otherwise noted.

The development of the occupational and educational skills of prison inmates is essential to their rehabilitation and to their ability to make an effective return to free society. Meaningful employment serves to de-

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velop those skills. It is also true, however, that care must be exercised to avoid either the exploitation of convict labor or any unfair competition between convict labor and free labor in the production of goods and services.

Under section 4082 of title 18 of the United States Code, the Attorney General is empowered to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

Several states and other jurisdictions have similar laws or regulations under which individuals confined for violations of the laws of those places may be authorized to work at paid employment in the community.

Executive Order No. 325A, which was originally issued by President Theodore Roosevelt in 1905, prohibits the employment, in the performance of Federal contracts, of any person who is serving a sentence of imprisonment at hard labor imposed by a court of a State, territory, or municipality.

I have now determined that Executive Order No. 325A should be replaced with a new Executive order which would permit the employment of non-Federal prison inmates in the performance of Federal contracts under terms and conditions that are comparable to those now applicable to inmates of Federal prisons.

NOW, THEREFORE, pursuant to the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) All contracts involving the use of appropriated funds which shall hereafter be entered into by any department or agency of the executive branch for performance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or the Trust Territory of the Pacific Islands shall, unless otherwise provided by law, contain a stipulation forbidding in the performance of such contracts, the employment of persons undergoing sentences of imprisonment which have been imposed by any court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or the Trust Territory of the Pacific Islands. This limitation, however, shall not prohibit the employment by a contractor in the performance of such contracts of persons on parole or probation to work at paid employment during the term of their sentence or persons who have been pardoned or who have served their terms. Nor shall it prohibit the employment by a contractor in the performance of such contracts of persons confined for violation of the laws of any of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or the Trust Territory of the Pacific Islands who are authorized to work at paid employment in the community under the laws of such jurisdiction, if

(1)(A) The worker is paid or is in an approved work training program on a voluntary basis;

(B) Representatives of local union central bodies or similar labor union organizations have been consulted;

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(C) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(D) The rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed; and

(2) The Attorney General has certified that the work-release laws or regulations of the jurisdiction involved are in conformity with the requirements of this order.

(b) After notice and opportunity for hearing, the Attorney General shall revoke any such certification under section 1(a)(2) if he finds that the work-release program of the jurisdiction involved is not being conducted in conformity with the requirements of this order or with its intent or purposes.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and to the extent necessary, any supplemental or comparable regulations issued by any agency of the executive branch shall be revised to reflect the policy prescribed by this order.

SEC. 3. Executive Order No. 325A is hereby superseded.

SEC. 4. This order shall be effective as of January 1, 1974.

Executive Order 11919—Delegating authority of the President to concur in designations of Commissioners, United States Parole Commission

SOURCE: The provisions of Executive Order 11919 of June 9, 1976, appear at 41 FR 23663, 3 CFR, 1976 Comp., p. 121, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3, United States Code, and section 4204(a)(5) of title 18, United States Code, as enacted by the Parole Commission and Reorganization Act (Public Law 94-233), and as President of the United States of America, it is hereby ordered that the Attorney General shall serve as the President's designee for purposes of concurring in designations of Commissioners of the United States Parole Commission to serve on the National Appeals Board, as vice chairman of the Commission, and as regional Commissioner.

Executive Order 12068—Providing for transfer to the Attorney General of certain functions under section 707 of title VII of the Civil Rights Act of 1964, as amended

SOURCE: The provisions of Executive Order 12068 of June 30, 1978, appear at 43 FR 28971, 3 CFR, 1978 Comp., p. 209, unless otherwise noted.

By virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, including Section 9 of Reorganization Plan Number 1 of 1978 (43 FR 19807), in order to clarify the Attorney General's authority to initiate public sector litigation under Section 707 of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-6), it is ordered as follows:

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1-1. *Section 707 Functions of the Attorney General.*

1-101. Section 5 of Reorganization Plan Number 1 of 1978 (43 FR 9807) shall become effective on July 1, 1978.

1-102. The functions transferred to the Attorney General by Section of Reorganization Plan Number 1 of 1978 shall, consistent with Section 707 of Title VII of the Civil Rights Act of 1964, as amended, be performed in accordance with Department of Justice procedures heretofore followed under Section 707.

Executive Order 12146—Management of Federal legal resources

SOURCE: The provisions of Executive Order 12146 of July 18, 1979, appear at 44 FR 1857, 3 CFR, 1979 Comp., p. 409, unless otherwise noted.

By the authority vested in me as President by the Constitution and Statutes of the United States of America, it is hereby ordered as follows:

1-1. *Establishment of the Federal Legal Council.*

1-101. There is hereby established the Federal Legal Council, which shall be composed of the Attorney General and the representatives of not more than 15 other agencies. The agency representative shall be designated by the head of the agency.

1-102. The initial membership of the Council, in addition to the Attorney General, shall consist of representatives designated by the heads of the following agencies:

- (a) The Department of Commerce.
- (b) The Department of Defense.
- (c) The Department of Energy.
- (d) The Environmental Protection Agency.
- (e) The Equal Employment Opportunity Commission.
- (f) The Federal Trade Commission.
- (g) The Department of Health and Human Services.
- (h) The Interstate Commerce Commission.
- (i) The Department of Labor.
- (j) The National Labor Relations Board.
- (k) The Securities and Exchange Commission.
- (l) The Department of State.
- (m) The Department of the Treasury.
- (n) The United States Postal Service and
- (o) the Veterans Administration.

1-102 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 51.

1-103. The initial members of the Council shall serve for a term of 2 years. Thereafter, the agencies which compose the membership shall be designated annually by the Council and at least five positions on the Council, other than that held by the Attorney General, shall rotate annually.

1-104. In addition to the above members, the Directors of the Office of Management and Budget and the Office of Personnel Management, or their designees, shall be advisory members of the Council.

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1-105. The Attorney General shall chair the Council and provide staff for its operation. Representatives of agencies that are not members of the Council may serve on or chair subcommittees of the Council.

1-2. *Functions of the Council.*

1-201. The Council shall promote:

- (a) coordination and communication among Federal legal offices;
- (b) improved management of Federal lawyers, associated support personnel, and information systems;
- (c) improvements in the training provided to Federal lawyers;
- (d) the facilitation of the personal donation of *pro bono* legal services by Federal attorneys;
- (e) the use of joint or shared legal facilities in field offices; and
- (f) the delegation of legal work to field offices.

1-202. The Council shall study and seek to resolve problems in the efficient and effective management of Federal legal resources that are beyond the capacity or authority of individual agencies to resolve.

1-203. The Council shall develop recommendations for legislation and other actions: (a) to increase the efficient and effective operation and management of Federal legal resources, including those matters specified in Section 1-201, and (b) to avoid inconsistent or unnecessary litigation by agencies.

1-3. *Litigation Notice System.*

1-301. The Attorney General shall establish and maintain a litigation notice system that provides timely information about all civil litigation pending in the courts in which the Federal Government is a party or has a significant interest.

1-302. The Attorney General shall issue rules to govern operation of the notice system. The rules shall include the following requirement:

- (a) All agencies with authority to litigate cases in court shall promptly notify the Attorney General about those cases that fall in classes or categories designated from time to time by the Attorney General.
- (b) The Attorney General shall provide all agencies reasonable access to the information collected in the litigation notice system.

1-4. *Resolution of Interagency Legal Disputes.*

1-401. Whenever two or more Executive agencies are unable to resolve a legal dispute between them, including the question of which has jurisdiction to administer a particular program or to regulate a particular activity, each agency is encouraged to submit the dispute to the Attorney General.

1-402. Whenever two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute, the agencies shall submit the dispute to the Attorney General prior to proceeding in any court, except where there is specific statutory vesting of responsibility for a resolution elsewhere.

1-5. *Access to Legal Opinions.*

1-501. In addition to the disclosure now required by law, all agencies are encouraged to make available for public inspection and copying other opinions of their legal officers that are statements of policy or interpretation that have been adopted by the agency, unless the agency determines that disclosure would result in demonstrable harm.

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1-502. All agencies are encouraged to make available on request other legal opinions, when the agency determines that disclosure would not be harmful.

1-6. *Automated Legal Research and Information Systems.*

1-601. The Attorney General, in coordination with the Secretary of Defense and other agency heads, shall provide for a computerized legal research system that will be available to all Federal law offices on a reimbursable basis. The system may include in its data base such Federal regulations, case briefs, and legal opinions, as the Attorney General deems appropriate.

1-602. The Federal Legal Council shall provide leadership for all Federal legal offices in establishing appropriate word processing and management information systems.

1-7. *Responsibilities of the Agencies.*

1-701. Each agency shall (a) review the management and operation of its legal activities and report in one year to the Federal Legal Council all steps being taken to improve those operations, and (b) cooperate with the Federal Legal Council and the Attorney General in the performance of the functions provided by this Order.

1-702. To the extent permitted by law, each agency shall furnish the Federal Legal Council and the Attorney General with reports, information and assistance as requested to carry out the provisions of this Order.

Executive Order 12250—Leadership and coordination of nondiscrimination laws

SOURCE: The provisions of Executive Order 12250 of Nov. 2, 1980, appear at 45 FR 7995, 3 CFR, 1980 Comp., p. 298, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 5 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1-1. *Delegation of Function.*

1-101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-2. *Coordination of Nondiscrimination Provisions.*

1-201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

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(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1-202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1-203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1-204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1-205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1-206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1-207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1-3. *Implementation by the Attorney General.*

1-301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1-302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

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1-303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1-304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1-305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

1-4. Agency Implementation.

1-401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1-402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescribed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1-403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1-5. General Provisions.

1-501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1-502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1-503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1-504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

Executive Order 12283—Non-prosecution of claims of hostages and for actions at the United States Embassy and elsewhere

SOURCE: The provisions of Executive Order 12283 of Jan. 19, 1981, appear at 46 FR 7927, 3 CFR, 1981 Comp., p. 114, unless otherwise noted.

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By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The Secretary of the Treasury shall promulgate regulations: (a) prohibiting any person subject to U.S. jurisdiction from prosecuting in any court within the United States or elsewhere any claim against the Government of Iran arising out of events occurring before the date of this Order relating to (1) the seizure of the hostages on November 4, 1979, (2) their subsequent detention, (3) injury to United States property or property of United States nationals within the United States Embassy compound in Tehran after November 3, 1979, or (4) injury to United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran; (b) prohibiting any person not a U.S. national from prosecuting any such claim in any court within the United States; (c) ordering the termination of any previously instituted judicial proceedings based upon such claims; and (d) prohibiting the enforcement of any judicial order issued in the course of such proceedings.

1-102. The Attorney General of the United States is authorized and directed, immediately upon the issuance of regulations in accordance with Section 1-101, to take all appropriate measures to notify all appropriate courts of the existence of this Order and implementing regulations and the resulting termination of litigation.

1-103. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purpose of this Order.

1-104. This Order shall be effective immediately.

Executive Order 12284—Restrictions on the transfer of property of the former Shah of Iran

SOURCE: The provisions of Executive Order 12284 of Jan. 19, 1981, appear at 46 FR 7929, 3 CFR, 1981 Comp., p. 115, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of

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Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170, issued November 14, 1979, and in Executive Order 12211, issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. For the purpose of protecting the rights of litigants in courts within the United States, all property and assets located in the United States within the control of the estate of Muhammad Reza Pahlavi, the former Shah of Iran, or any close relative of the former Shah served as a defendant in litigation in such courts brought by Iran seeking the return of property alleged to belong to Iran, is hereby blocked as to each such estate or person until all such litigation against such estate or person is finally terminated.

1-102. The Secretary of the Treasury is authorized and directed (a) to promulgate regulations requiring all persons who are subject to the jurisdiction of the United States and who, as of November 3, 1979, or as of this date, have actual or constructive possession of property of the kind described in Section 1-101, or knowledge of such possession by others, to report such possession or knowledge thereof, to the Secretary of the Treasury in accordance with such regulations and (b) to make available to the Government of Iran or its designated agents all identifying information derived from such reports to the fullest extent permitted by law. Such reports shall be required as to all individuals described in 1-101 and shall be required to be filed within 30 days after publication of a notice in the FEDERAL REGISTER.

1-103. The Secretary of the Treasury is authorized and directed (a) to require all agencies within the Executive Branch of the United States Government to deliver to the Secretary all official financial books and records which serve to identify any property of the kind described in Section 1-101 of this Order, and (b) to make available to the Government of Iran or its designated agents all identifying information derived from such books and records to the fullest extent permitted by law.

1-104. The Attorney General of the United States having advised the President of his opinion that no claim on behalf of the Government of Iran for recovery of property of the kind described in Section 1-101 of this Order should be considered legally barred either by sovereign immunity principles or by the act of state doctrine, the Attorney General is authorized and directed to prepare, and upon the request of counsel representing the Government of Iran to present to the appropriate court or courts within the United States, suggestions of interest reflecting that such is the position of the United States, and that it is also the position of the United States that Iranian decrees and judgments relating to the assets of the former Shah and the persons described in Sec-

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tion 1-101 should be enforced by such courts in accordance with United States law.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

Executive Order 12294—Suspension of litigation against Iran

SOURCE: The provisions of Executive Order 12294 of Feb. 24, 1981, appear at 46 FR 14111, 3 CFR, 1981 Comp., p. 139, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which were based the declarations of national emergency in Executive Order No. 12170, issued November 14, 1979, and in Executive Order No. 12211, issued April 17, 1980, in light of the agreement with the Government of Iran, as reflected in the Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of United States diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, in order to implement Article II of the Declaration of Algeria concerning the settlement of claims and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

SECTION 1. All claims which may be presented to the Iran-United States Claims Tribunal under the terms of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran, and all claims for equitable or other judicial relief in connection with such claims, are hereby suspended, except as they may be presented to the Tribunal. During the period of this suspension, all such claims shall have no legal effect in any action now pending in any court of the United States, including the courts of any state or any locality thereof, the District of Columbia and Puerto Rico, or in any action commenced in any such court after the effective date of this Order. Nothing in this action precludes the commencement of an action after the effective date of this Order for the purpose of tolling the period of limitations for commencement of such action.

SEC. 2. Nothing in this Order shall require dismissal of any action for want of prosecution.

SEC. 3. Suspension under this Order of a claim or a portion thereof submitted to the Iran-United States Claims Tribunal for adjudication shall terminate upon a determination by the Tribunal that it does not have jurisdiction over such claim or such portion thereof.

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SEC. 4. A determination by the Iran-United States Claims Tribunal on the merits that a claimant is not entitled to recover on a claim shall operate as a final resolution and discharge of the claim for all purposes. A determination by the Tribunal that a claimant shall have recovery on a claim in a specified amount shall operate as a final resolution and discharge of the claim for all purposes upon payment to the claimant of the full amount of the award, including any interest awarded by the Tribunal.

SEC. 5. Nothing in this Order shall apply to any claim concerning the validity or payment of a standby letter of credit, performance or payment bond or other similar instrument.

SEC. 6. Nothing in this Order shall prohibit the assertion of a counterclaim or set-off by a United States national in any judicial proceeding pending or hereafter commenced by the Government of Iran, any political subdivision of Iran, or any agency, instrumentality, or entity controlled by the Government of Iran or any political subdivision thereof.

SEC. 7. The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act and by 22 U.S.C. § 1732 to carry out the purposes of this Order.

SEC. 8. Executive Order Nos. 12276 through 12285 of January 19, 1981, are ratified.

This Order shall be effective immediately and copies shall be transmitted to the Congress.

Executive Order 12544—Blocking Libyan Government property in the United States or held by U.S. persons

SOURCE: The provisions of Executive Order 12544 of Jan. 8, 1986, appear at 51 FR 1235, 3 CFR, 1986 Comp., p. 183, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3 of the United States Code, in order to take steps with respect to Libya additional to those set forth in Executive Order No. 12543 of January 7, 1986, to deal with the threat to the national security and foreign policy of the United States referred to in that Order,

I, RONALD REAGAN, President of the United States, hereby order blocked all property and interests in property of the Government of Libya, its agencies, instrumentalities and controlled entities and the Central Bank of Libya that are in the United States, that hereafter come within the United States or that are or hereafter come within the possession or control of U.S. persons, including overseas branches of U.S. persons.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to employ all powers granted to me by the International Emergency Economic Power Act, 50 U.S.C. 1701 *et seq.*, to carry out the provisions of this Order.

This Order is effective immediately and shall be transmitted to the Congress and published in the FEDERAL REGISTER.

CHAPTER 29—LABOR

Executive Orders

- 10913 Designating certain officers to act as Secretary of Labor
- 10953 Establishing a seal for the President's Committee on Employment of the Physically Handicapped
- 11141 Declaring a public policy against discrimination on the basis of age
- 11246 Equal employment opportunity
- 11374 Abolishing the Missile Sites Labor Commission and providing for the performance of its functions
- 11650 Enlarging the membership of the Interagency Committee on Handicapped Employees
- 11667 Providing for coordination of Federal Equal Employment Opportunity programs
- 12060 Consolidation of contract compliance functions for equal employment opportunity
- 12066 Transfer of certain equal employment enforcement functions
- 12144 Transfer of certain equal pay and age discrimination in employment enforcement functions
- 12216 President's Committee on the International Labor Organization
- 12462 President's Advisory Committee on Mediation and Conciliation
- 12640 The President's Committee on Employment of People With Disabilities

Executive Order 10513—Designating certain officers to act as Secretary of Labor

SOURCE: The provisions of Executive Order 10513 of Jan. 19, 1954, appear at 19 FR 309, 3 CFR, 1954-1958 Comp., p. 180, unless otherwise noted.

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U.S.C. 6) and section 301 of title 3 of the United States Code, it is ordered as follows:

I hereby authorize and direct the Assistant Secretaries of Labor and the Solicitor of Labor, in the order designated as hereinafter provided, to perform the duties of the office of the Secretary of Labor in case of absence, sickness, resignation, or death of both the Secretary of Labor and the Under Secretary of Labor.

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The Assistant Secretaries of Labor and the Solicitor of Labor shall act as Secretary of Labor as herein provided (1) in such order as the Secretary of Labor (or the Under Secretary when acting as Secretary) may by order designate from time to time, or (2) if no such designation order is in effect at the time, in the order of the respective dates of their commissions, or in the event that two or more of their commissions bear the same date, in the order in which they shall have taken their oath of office.

This order supersedes Executive Order No. 9968 of June 17, 1948, entitled "Designation of Certain Officers To Act as Secretary of Labor."

Executive Order 10555—Establishing a seal for the President's Committee on Employment of the Physically Handicapped

SOURCE: The provisions of Executive Order 10555 of Aug. 23, 1954, appear at 19 FR 5515, 3 CFR, 1954-1958 Comp., p. 202, unless otherwise noted.

CROSS REFERENCE: See Executive Order 12640 of May 10, 1988, this chapter, p. 408, which reestablished the Committee as the President's Committee on Employment of People With Disabilities.

WHEREAS the Chairman of the President's Committee on Employment of the Physically Handicapped has caused to be made and has recommended that I approve a seal for The President's Committee on Employment of the Physically Handicapped, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a light blue disk an American bald eagle with wings displayed and inverted, standing upon a spur gear issuing from base all proper. On an encircling dark blue band edged with gold the inscription "THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED." in gold letters.

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the President's Committee on Employment of the Physically Handicapped:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of The President's Committee on Employment of the Physically Handicapped.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10555, is printed in 3 CFR, 1954-1958 Comp., p. 202.

Executive Order 11141—Declaring a public policy against discrimination on the basis of age

SOURCE: The provisions of Executive Order 11141 of Feb. 12, 1964, appear at 29 FR 2477, 3 CFR, 1964-1965 Comp., p. 179, unless otherwise noted.

WHEREAS the principle of equal employment opportunity is now an established policy of our Government and applies equally to all who wish to work and are capable of doing so; and

WHEREAS discrimination in employment because of age, except upon the basis of a *bona fide* occupational qualification, retirement plan,

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or statutory requirement, is inconsistent with that principle and with the social and economic objectives of our society; and

WHEREAS older workers are an indispensable source of productivity and experience which our Nation can ill afford to lose; and

WHEREAS President Kennedy, mindful that maximum national growth depends on the utilization of all manpower resources, issued a memorandum on March 14, 1963,¹ reaffirming the policy of the Executive Branch of the Government of hiring and promoting employees on the basis of merit alone and emphasizing the need to assure that older people are not discriminated against because of their age and receive fair and full consideration for employment and advancement in Federal employment; and

WHEREAS, to encourage and hasten the acceptance of the principle of equal employment opportunity for older persons by all sectors of the economy, private and public, the Federal Government can and should provide maximum leadership in this regard by adopting that principle as an express policy of the Federal Government not only with respect to Federal employees but also with respect to persons employed by contractors and subcontractors engaged in the performance of Federal contracts:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States and as President of the United States, I hereby declare that it is the policy of the Executive Branch of the Government that (1) contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, and (2) that contractors and subcontractors, or persons acting on their behalf, shall not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for such employment unless the specified maximum age limit is based upon a *bona fide* occupational qualification, retirement plan, or statutory requirement. The head of each department and agency shall take appropriate action to enunciate this policy, and to this end the Federal Procurement Regulations and the Armed Services Procurement Regulation shall be amended by the insertion therein of a statement giving continuous notice of the existence of the policy declared by this order.

Executive Order 11246—Equal employment opportunity

SOURCE: The provisions of Executive Order 11246 of Sept. 24, 1965, appear at 30 FR 12935, 3 CFR, 1964-1965 Comp., p. 329, unless otherwise noted.

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

EDITORIAL NOTE: 3 CFR, 1964-1965 Comp., p. 179.

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PART I—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

[Part I superseded by EO 11478 of Aug. 8, 1969, 34 FR 12985, 3 CFR, 1966-1970 Comp., p. 803]

PART II—NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

SUBPART A—DUTIES OF THE SECRETARY OF LABOR

SEC. 201. The Secretary of Labor shall be responsible for the administration and enforcement of Parts II and III of this Order. The Secretary shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to achieve the purposes of Parts II and III of this Order.

[Sec. 201 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SUBPART B—CONTRACTORS' AGREEMENTS

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be de-

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clared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

[Sec. 202 amended by EO 11375 of Oct. 13, 1967, 32 FR 14303, 3 CFR, 1966-1970 Comp., p. 684; EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided,* That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees

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that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the Secretary of Labor may require.

[Sec. 203 amended by EO 11375 of Oct. 13, 1967, 32 FR 14303, 3 CFR, 1966-1970 Comp., p. 684.; EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract: *Provided*, That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further*, That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

SUBPART C—POWERS AND DUTIES OF THE SECRETARY OF LABOR AND THE CONTRACTING AGENCIES

SEC. 205. The Secretary of Labor shall be responsible for securing compliance by all Government contractors and subcontractors with this Order and any implementing rules or regulations. All contracting agencies shall comply with the terms of this Order and any implementing rules, regulations, or orders of the Secretary of Labor. Contracting agencies shall cooperate with the Secretary of Labor and shall furnish such information and assistance as the Secretary may require.

[Sec. 205 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor.

(b) The Secretary of Labor may receive and investigate complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order.

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[Sec. 206 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 207. The Secretary of Labor shall use his best efforts, directly and through interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

[Sec. 207 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for debarment of any contractor from further Government contracts under Section 209(a)(6) shall be made without affording the contractor an opportunity for a hearing.

SUBPART D—SANCTIONS AND PENALTIES

SEC. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) After consulting with the contracting agency, direct the contracting agency to cancel, terminate, suspend, or cause to be cancelled, ter-

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minated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with equal employment opportunity provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the Secretary of Labor.

(6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Pursuant to rules and regulations prescribed by the Secretary of Labor, the Secretary shall make reasonable efforts, within a reasonable time limitation, to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under subsection (a)(2) of this Section, or before a contract shall be cancelled or terminated in whole or in part under subsection (a)(5) of this Section.

[Sec. 209 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 210. Whenever the Secretary of Labor makes a determination under Section 209, the Secretary shall promptly notify the appropriate agency. The agency shall take the action directed by the Secretary and shall report the results of the action it has taken to the Secretary of Labor within such time as the Secretary shall specify. If the contracting agency fails to take the action directed within thirty days, the Secretary may take the action directly.

[Sec. 210 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor.

[Sec. 211 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 212. When a contract has been cancelled or terminated under Section 209(a)(5) or a contractor has been debarred from further Government contracts under Section 209(a)(6) of this Order, because of noncompliance with the contract provisions specified in Section 202 of this Order, the Secretary of Labor shall promptly notify the Comptroller General of the United States.

[Sec. 212 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SUBPART E—CERTIFICATES OF MERIT

SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers or labor unions, or other agencies which are or may hereafter be engaged in

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work under Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

PART III—NONDISCRIMINATION PROVISIONS IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

SEC. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 202 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations and relevant orders of the Secretary, (2) to obtain and to furnish to the Secretary of Labor such information as the Secretary may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

[Sec. 301 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

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(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

SEC. 303. (a) The Secretary of Labor shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor and to furnish the Secretary such information and assistance as the Secretary may require in the performance of the Secretary's functions under this Order.

(b) In the event an applicant fails and refuses to comply with the applicant's undertakings pursuant to this Order, the Secretary of Labor may, after consulting with the administering department or agency, take any or all of the following actions: (1) direct any administering department or agency to cancel, terminate, or suspend in whole or in part the agreement, contract or other arrangement with such applicant with respect to which the failure or refusal occurred; (2) direct any administering department or agency to refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received by the Secretary of Labor from such applicant; and (3) refer the case to the Department of Justice or the Equal Employment Opportunity Commission for appropriate law enforcement or other proceedings.

(c) In no case shall action be taken with respect to an applicant pursuant to clause (1) or (2) of subsection (b) without notice and opportunity for hearing.

[Sec. 303 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirements imposed under this Order: *Provided*, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

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PART IV—MISCELLANEOUS

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order.

[Sec. 401 amended by EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. (a) Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Office of Personnel Management and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of any obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

[Sec. 403 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective thirty days after the date of this Order.

Executive Order 11374—Abolishing the Missile Sites Labor Commission and providing for the performance of its functions

SOURCE: The provisions of Executive Order 11374 of Oct. 11, 1967, appear at 32 FR 14199, 3 CFR, 1966-1970 Comp., p. 684, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Missile Sites Labor Commission is hereby abolished, and its functions and responsibilities are transferred to the Federal Mediation and Conciliation Service.

SEC. 2. The Director of the Federal Mediation and Conciliation Service shall establish within the Federal Mediation and Conciliation Service such procedures as may be necessary to provide for continued priority for resolution of labor disputes or potential labor disputes at mis-

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sile and space sites, and shall seek the continued cooperation of manufacturers, contractors, construction concerns, and labor unions in avoiding uneconomical operations and work stoppages at missile and space sites.

SEC. 3. The Department of Defense, the National Aeronautics and Space Administration, and other appropriate government departments and agencies shall continue to cooperate in the avoidance of uneconomical operations and work stoppages at missile and space sites. They shall also assist the Federal Mediation and Conciliation Service in the discharge of its responsibilities under this order.

SEC. 4. All records and property of the Missile Sites Labor Commission are hereby transferred to the Federal Mediation and Conciliation Service.

SEC. 5. Any disputes now before the Missile Sites Labor Commission shall be resolved by the personnel now serving as members of the Missile Sites Labor Commission under special assignment for such purposes by the Director of the Federal Mediation and Conciliation Service.

SEC. 6. Executive Order No. 10946 of May 26, 1961, is hereby revoked.

Executive Order 11830—Enlarging the membership of the Interagency Committee on Handicapped Employees

SOURCE: The provisions of Executive Order 11830 of Jan. 9, 1975, appear at 40 FR 2411, 3 CFR, 1971-1975 Comp., p. 936, unless otherwise noted.

By virtue of the authority vested in me by section 501(a) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 390), it is hereby ordered as follows:

SECTION 1. In accord with Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and Section 4 of Reorganization Plan No. 1 of 1978 (43 FR 19808), the Interagency Committee on Handicapped Employees is enlarged and composed of the following, or their designees whose positions are executive level IV or higher:

- (1) Secretary of Defense.
- (2) Secretary of Labor.
- (3) Secretary of Education, Co-Chairman.
- (4) Director of the Office of Personnel Management.
- (5) Administrator of Veterans Affairs.
- (6) Administrator of General Services.
- (7) Chairman of the Federal Communications Commission.
- (8) Chairman of the Equal Employment Opportunity Commission, Co-Chairman.
- (9) Secretary of Health and Human Services.
- (10) Such other members as the President may designate.

[Sec. 1 amended by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263; EO 12450 of Dec. 9, 1983, 48 FR 55409, 3 CFR, 1983 Comp., p. 223]

SEC. 2. [Deleted]

[Sec. 2. deleted by EO 12106 of Dec. 28, 1978, 44 FR 1053, 3 CFR, 1978 Comp., p. 263]

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Executive Order 12067—Providing for coordination of Federal Equal Employment Opportunity programs

SOURCE: The provisions of Executive Order 12067 of June 30, 1978, appear at 43 FR 28967, 3 CFR, 1978 Comp., p. 206, unless otherwise noted.

By virtue of the authority vested in me as President of the United States: by the Constitution and statutes of the United States, including Section 9 of Reorganization Plan Number 1 of 1978 (43 FR 19807), it is ordered as follows:

1-1. *Implementation of Reorganization Plan.*

1-101. The transfer to the Equal Employment Opportunity Commission of all the functions of the Equal Employment Opportunity Coordinating Council, and the termination of that Council, as provided by Section 6 of Reorganization Plan Number 1 of 1978 (43 FR 19807), shall be effective on July 1, 1978.

1-2. *Responsibilities of Equal Employment Opportunity Commission.*

1-201. The Equal Employment Opportunity Commission shall provide leadership and coordination to the efforts of Federal departments and agencies to enforce all Federal statutes, Executive orders, regulations, and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age or handicap. It shall strive to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the Federal departments and agencies having responsibility for enforcing such statutes, Executive orders, regulations and policies.

1-202. In carrying out its functions under this order the Equal Employment Opportunity Commission shall consult with and utilize the special expertise of Federal departments and agencies with equal employment opportunity responsibilities. The Equal Employment Opportunity Commission shall cooperate with such departments and agencies in the discharge of their equal employment responsibilities.

1-203. All Federal departments and agencies shall cooperate with and assist the Equal Employment Opportunity Commission in the performance of its functions under this order and shall furnish the Commission such reports and information as it may request.

1-3. *Specific Responsibilities.*

1-301. To implement its responsibilities under Section 1-2, the Equal Employment Opportunity Commission shall, where feasible:

(a) develop uniform standards, guidelines, and policies defining the nature of employment discrimination on the ground of race, color, religion, sex, national origin, age or handicap under all Federal statutes, Executive orders, regulations, and policies which require equal employment opportunity;

(b) develop uniform standards and procedures for investigations and compliance reviews to be conducted by Federal departments and agencies under any Federal statute, Executive order, regulation or policy requiring equal employment opportunity;

(c) develop procedures with the affected agencies, including the use of memoranda of understanding, to minimize duplicative investigations or compliance reviews of particular employers or classes of employers

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or others covered by Federal statutes, Executive orders, regulations or policies requiring equal employment opportunity;

(d) ensure that Federal departments and agencies develop their own standards and procedures for undertaking enforcement actions when compliance with equal employment opportunity requirements of any Federal statute, Executive order, regulation or policy cannot be secured by voluntary means;

(e) develop uniform record-keeping and reporting requirements concerning employment practices to be utilized by all Federal departments and agencies having equal employment enforcement responsibilities;

(f) provide for the sharing of compliance records, findings, and supporting documentation among Federal departments and agencies responsible for ensuring equal employment opportunity;

(g) develop uniform training programs for the staff of Federal departments and agencies with equal employment opportunity responsibilities;

(h) assist all Federal departments and agencies with equal employment opportunity responsibilities in developing programs to provide appropriate publications and other information for those covered and those protected by Federal equal employment opportunity statutes, Executive orders, regulations, and policies; and

(i) initiate cooperative programs, including the development of memoranda of understanding between agencies, designed to improve the coordination of equal employment opportunity compliance and enforcement.

1-302. The Equal Employment Opportunity Commission shall assist the Civil Service Commission, Office of Personnel Management, or its successor, in establishing uniform job-related qualifications and requirements for job classifications and descriptions for Federal employees involved in enforcing all Federal equal employment opportunity provisions.

1-303. The Equal Employment Opportunity Commission shall issue such rules, regulations, policies, procedures or orders as it deems necessary to carry out its responsibilities under this order. It shall advise and offer to consult with the affected Federal departments and agencies during the development of any proposed rules, regulations, policies, procedures or orders and shall formally submit such proposed issuances to affected departments and agencies at least 15 working days prior to public announcement. The Equal Employment Opportunity Commission shall use its best efforts to reach agreement with the agencies on matters in dispute. Departments and agencies shall comply with all final rules, regulations, policies, procedures or orders of the Equal Employment Opportunity Commission.

1-304. All Federal departments and agencies shall advise and offer to consult with the Equal Employment Opportunity Commission during the development of any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity. Departments and agencies shall formally submit such proposed issuances to the Equal Employment Opportunity Commission and other interested Federal departments and agencies at least 15 working days prior to public announcement. The Equal Employment Opportunity Commission shall review such proposed rules, regulations, policies, procedures or orders to ensure consistency among the operations of the various Federal departments and agencies. Issuances related to internal management and

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administration are exempt from this clearance process. Case handling procedures unique to a single program also are exempt, although the Equal Employment Opportunity Commission may review such procedures in order to assure maximum consistency within the Federal equal employment opportunity program.

1-305. Before promulgating significant rules, regulations, policies, procedures or orders involving equal employment opportunity, the Commission and affected departments and agencies shall afford the public an opportunity to comment.

1-306. The Equal Employment Opportunity Commission may make recommendations concerning staff size and resource needs of the Federal departments and agencies having equal employment opportunity responsibilities to the Office of Management and Budget.

1-307. (a) It is the intent of this order that disputes between or among agencies concerning matters covered by this order shall be resolved through good faith efforts of the affected agencies to reach mutual agreement. Use of the dispute resolution mechanism contained in Subsections (b) and (c) of this Section should be resorted to only in extraordinary circumstances.

(b) Whenever a dispute which cannot be resolved through good faith efforts arises between the Equal Employment Opportunity Commission and another Federal department or agency concerning the issuance of an equal employment opportunity rule, regulation, policy, procedure, order or any matter covered by this Order, the Chairman of the Equal Employment Opportunity Commission or the head of the affected department or agency may refer the matter to the Executive Office of the President. Such reference must be in writing and may not be made later than 15 working days following receipt of the initiating agency's notice of intent publicly to announce an equal employment opportunity rule, regulation, policy, procedure or order. If no reference is made within the 15 day period, the decision of the agency which initiated the proposed issuance will become effective.

(c) Following reference of a disputed matter to the Executive Office of the President, the Assistant to the President for Domestic Affairs and Policy (or such other official as the President may designate) shall designate an official within the Executive Office of the President to meet with the affected agencies to resolve the dispute within a reasonable time.

1-4. Annual Report.

1-401. The Equal Employment Opportunity Commission shall include in the annual report transmitted to the President and the Congress pursuant to Section 715 of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-14), a statement of the progress that has been made in achieving the purpose of this order. The Equal Employment Opportunity Commission shall provide Federal departments and agencies an opportunity to comment on the report prior to formal submission.

1-5. General Provisions.

1-501. Nothing in this order shall relieve or lessen the responsibilities or obligations imposed upon any person or entity by Federal equal employment law, Executive order, regulation or policy.

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1-502. Nothing in this order shall limit the Attorney General's role as legal adviser to the Executive Branch.

Executive Order 12086—Consolidation of contract compliance functions for equal employment opportunity

SOURCE: The provisions of Executive Order 12086 of Oct. 5, 1978, appear at 43 FR 46501, 3 CFR, 1978 Comp., p. 230, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), in order to provide for the transfer to the Department of Labor of certain contract compliance functions relating to equal employment opportunity, it is hereby ordered as follows:

1-1. Transfer of Functions.

1-101. The functions concerned with being primarily responsible for the enforcement of the equal employment opportunity provisions under Parts II and III of Executive Order No. 11246, as amended, are transferred or reassigned to the Secretary of Labor from the following agencies:

- (a) Department of Treasury.
- (b) Department of Defense.
- (c) Department of the Interior.
- (d) Department of Commerce.
- (e) Department of Health and Human Services.
- (f) Department of Housing and Urban Development.
- (g) Department of Transportation.
- (h) Department of Energy.
- (i) Environmental Protection Agency.
- (j) General Services Administration.
- (k) Small Business Administration.

[Sec. 1-101 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

1-102. The records, property, personnel and positions, and unexpended balances of appropriations or funds related to the functions transferred or reassigned by this Order, that are available and necessary to finance or discharge those functions, are transferred to the Secretary of Labor.

1-103. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

1-2. Conforming Amendments to Executive Order No. 11246.

[Sec. 1-2 amends EO 11246 of Sept. 24, 1965, this chapter, p. 481. The amendments have been incorporated into that order.]

1-3. General Provisions.

1-301. The transfers or reassignments provided by Section 1-1 of this Order shall take effect at such time or times as the Director of the Office of Management and Budget shall determine. The Director shall

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ensure that all such transfers or reassignments take effect within 60 days.

1-302. The conforming amendments provided by Section 1-2 of this Order shall take effect on October 8, 1978; except that, with respect to those agencies identified in Section 1-101 of this Order, the conforming amendments shall be effective on the effective date of the transfer or reassignment of functions as specified pursuant to Section 1-301 of this Order.

Executive Order 12106—Transfer of certain equal employment enforcement functions

SOURCE: The provisions of Executive Order 12106 of Dec. 28, 1978, appear at 44 FR 1053, 3 CFR, 1978 Comp., p. 263, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 9 of Reorganization Plan No. 1 of 1978 (43 FR 19807), in order to effectuate the transfer of certain functions relating to the enforcement of equal employment programs, and in order to make certain technical amendments in other Orders to reflect this transfer of functions, it is hereby ordered as follows:

1-101. The transfer to the Equal Employment Opportunity Commission of certain functions of the Civil Service Commission, relating to enforcement of equal employment opportunity programs as provided by Sections 1, 2, 3 and 4 of Reorganization Plan No. 1 of 1978 (43 FR 19807), shall be effective on January 1, 1979.

1-102. [Deleted]

[Sec. 1-102 amends EO 11478 of Aug. 8, 1969, Chapter 5, p. 80. The amendments have been incorporated into that order.]

1-103. [Deleted]

[Sec. 1-103 amended EO 11022 of May 14, 1962, which was revoked by EO 12379 of Aug. 17, 1982.]

1-104. [Deleted]

[Sec. 1-104 amended EO 11480 of Sept. 9, 1969, which was revoked by EO 12640 of May 10, 1988.]

1-105. [Deleted]

[Sec. 1-105 amends EO 11830 of Jan. 9, 1975, this chapter, p. 490. The amendments have been incorporated into that order.]

1-106. This Order shall be effective on January 1, 1979.

Executive Order 12144—Transfer of certain equal pay and age discrimination in employment enforcement functions

SOURCE: The provisions of Executive Order 12144 of June 22, 1979, appear at 44 FR 37193, 3 CFR, 1979 Comp., p. 404, unless otherwise noted.

By the authority vested in me as President of the United States of America by the Constitution and laws of the United States, including Section 9 of Reorganization Plan No. 1 of 1978 (43 FR 19807), in order to effectuate the transfer of certain functions relating to the enforcement of equal pay and age discrimination in employment programs

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from the Department of Labor to the Equal Employment Opportunity Commission, it is hereby ordered as follows:

1-101. Sections 1 and 2 of Reorganization Plan No. 1 of 1978 (43 FR 19807) shall become effective on July 1, 1979, with the exception of the transfer of functions from the Civil Service Commission, already effective January 1, 1979 (Executive Order No. 12106).

1-102. The records, property, personnel and positions, and unexpended balances of appropriations or funds, available or to be made available, which relate to the functions transferred as provided in this Order are hereby transferred from the Department of Labor to the Equal Employment Opportunity Commission.

1-103. The Director of the Office of Management and Budget shall make such determinations, issue such Orders, and take all actions necessary or appropriate to effectuate the transfers provided in this Order, including the transfer of funds, records, property, and personnel.

1-104. This Order shall be effective July 1, 1979.

Executive Order 12216—President's Committee on the International Labor Organization

SOURCE: The provisions of Executive Order 12216 of June 18, 1980, appear at 45 FR 41619, 3 CFR, 1980 Comp., p. 259, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to create in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I) an advisory committee on United States participation in the International Labor Organization, it is hereby ordered as follows:

1-1. Establishment of Committee.

1-101. There is established the President's Committee on the International Labor Organization (ILO). The members will be the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, and the Presidents of the AFL-CIO and the United States Council of the International Chamber of Commerce, or their designated representatives.

1-102. The Chairman of the Committee shall be the Secretary of Labor. The Committee shall meet at the request of the Chairman.

1-2. Functions of the Committee.

1-201. The Committee shall monitor and assess the work of the ILO.

1-202. The Committee shall make recommendations to the President or other officers of the Federal government, including the Secretary of Labor. With due recognition that in the ILO tripartite system, government, employer, and employee representatives retain the right to take positions independent of one another, the Committee shall exert its best efforts to develop a coordinated position as to United States policy on ILO issues.

1-203. The Committee shall also perform other functions relevant to relations with the ILO as requested by the President or the Committee Chairman.

1-3. Funding and Expenses.

1-301. Each member of the Committee who is not otherwise employed full-time by the Federal government may receive, to the extent

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permitted by law, compensation for each day he is engaged in the work of the Committee at a rate not to exceed the maximum daily rate now or hereafter prescribed by law, and may also receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

1-302. The Chairman of the Committee is authorized to establish such additional advisory committees as may be deemed appropriate to carry out the purposes of this Order.

1-303. All necessary administrative staff services, support, facilities and expenses of the Committee shall be furnished by the Department of Labor to the extent permitted by law.

1-4. General Provisions.

1-401. Notwithstanding the provisions of any other Executive order, the functions of the President applicable to the Committee under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, are hereby delegated to the Secretary of Labor, who shall perform them in accordance with guidelines and procedures established by the Administrator of General Services.

1-402. The Committee shall terminate on December 31, 1980, unless this date is extended by further Executive order.

EDITORIAL NOTE: The President's Committee on the International Labor Organization was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Secretary of Labor in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12462—President's Advisory Committee on Mediation and Conciliation

SOURCE: The provisions of Executive Order 12462 of Feb. 17, 1984, appear at 49 FR 673, 3 CFR, 1984 Comp., p. 161, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to create an advisory committee on methods of mediating and on the voluntary adjustment of labor disputes, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established the President's Advisory Committee on Mediation and Conciliation. The Committee shall be composed of not more than thirteen members who shall be appointed or designated by the President from among persons with special knowledge and familiarity with labor relations problems. The Director of the Federal Mediation and Conciliation Service is hereby designated as Chairman of the Advisory Committee. The members of the Committee other than the Chairman shall serve as representatives of labor and of management, and labor and management shall be equally represented among its members.

Sec. 1 amended by EO 12533 of Sept. 30, 1985, 50 FR 40317, 3 CFR, 1985 Comp., p. 391

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SEC. 2. Functions. (a) The Committee shall advise the President and the Director of the Federal Mediation and Conciliation Service on methods of improving the efficiency of arbitration of disputes arising under collective bargaining agreements, and on other matters, not involving particular labor disputes, of general significance to strengthening and increasing the effectiveness of bilateral dispute resolution mechanisms under such agreements.

(b) In performance of its advisory responsibilities, the Committee shall report to the President and the Director of the Federal Mediation and Conciliation Service from time to time as requested.

(c) The Committee will undertake a review of regulations promulgated by the Federal Mediation and Conciliation Service that affect established arbitration and mediation procedures, and offer their findings and recommendations in a report to the President and the Director of the Federal Mediation and Conciliation Service within nine months of the Committee's establishment.

SEC. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Committee such information as it may require to carry out its functions.

(b) Members of the Committee shall serve without compensation for their work on the Committee. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) The Director of the Federal Mediation and Conciliation Service shall provide the Committee with such administrative services, facilities, staff and other support as may be necessary for the effective performance of its functions.

SEC. 4. General. (a) Notwithstanding the provisions of any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the Committee established by this Order, shall be performed by the Director of the Federal Mediation and Conciliation Service, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Committee shall terminate 60 days after the Committee submits its report to the President and the Director of the Federal Mediation and Conciliation Service, or no later than September 30, 1988, unless sooner extended.

[Sec. 4 amended by EO 12497 of Dec. 29, 1984, 50 FR 229, 3 CFR, 1984 Comp., p. 231; EO 12533 of Sept. 30, 1985, 50 FR 40317, 3 CFR, 1985 Comp., p. 391; EO 12579 of Dec. 31, 1986, 52 FR 515, 3 CFR, 1986 Comp., p. 251; EO 12617 of Dec. 17, 1987, 52 FR 48179, 3 CFR, 1987 Comp., p. 262]

Executive Order 12640—The President's Committee on Employment of People With Disabilities

SOURCE: The provisions of Executive Order 12640 of May 10, 1988, appear at 53 FR 16996, 3 CFR, 1988 Comp., p. 640, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide

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for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of the Rehabilitation Act of 1973, P.L. 93-112, Section 501 (a)-(f), as amended, it is ordered as follows:

SECTION 1. *Establishment and Composition of the President's Committee.* (a) There is hereby established the President's Committee on Employment of People with Disabilities (hereinafter referred to as the Committee or as the President's Committee).

(b) The Committee shall be composed of a Chairman and not more than four Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee. Members appointed by the Chairman shall be appointed for a term of 3 years and may be reappointed. The Chairman of the President's Committee may at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee (hereinafter provided for), may designate as, or invite to be, associate members of the President's Committee any heads of Federal departments or agencies that have responsibility for training and rehabilitation services or advocate activities touching the field of interest of the Committee or that are leading employers of individuals with disabilities.

(d) Representatives of business, industry, labor, private organizations, public agencies, other concerned organizations, and individuals with disabilities who are not members may be invited to attend meetings of the Committee.

SEC. 2. *Functions of the Committee.* The President's Committee shall provide advice and information as to the development of maximum employment opportunities for people who are physically disabled, mentally retarded, and mentally ill. To this end the Committee shall advise the President as to information that can be used by employers, labor unions, and national and international organizations, suggest programs for public education, and suggest methods of enlisting cooperation among organizations and agencies, Federal, State, and local officials, Governors and local Committees on Employment of People with Disabilities, professional organizations, organized labor, and appropriate international organizations. In carrying out these functions vested in it by the Rehabilitation Act, as amended, the Committee shall be guided by the general policies of the National Council on the Handicapped and shall work closely with the Department of Labor, the Department of Education, the Department of Health and Human Services, the Veterans' Administration, State employment security agencies, and State vocational rehabilitation agencies.

SEC. 3. *Executive Committee.* (a) There is hereby established the Executive Committee of the President's Committee on Employment of People with Disabilities. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairman of the President's Committee, and so many additional members as will provide an

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Executive Committee of not less than 15 and not more than 30 members. The said additional members shall be appointed for a term of 3 years by the Chairman of the President's Committee from among the members of the President's Committee or otherwise. The Chairman of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of people with disabilities in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to advise it in the exploration of those problems, and review plans and projects for advocating the employment of people with disabilities.

SEC. 4. *Advisory Council.* There is hereby established the Advisory Council on Employment of People with Disabilities, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternates: Secretary of State, Secretary of the Treasury; Secretary of Defense; The Attorney General; Secretary of the Interior; Secretary of Agriculture; Secretary of Commerce; Secretary of Labor; Secretary of Health and Human Services; Secretary of Housing and Urban Development; Secretary of Transportation; Secretary of Education; Chairman, Equal Employment Opportunity Commission; Administrator of General Services; Director, Office of Personnel Management; Director, United States Information Agency; Administrator of Veterans' Affairs; and the Postmaster General.

SEC. 5. *Administrative and Incidental Matters.* (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on call of the Chairman of the President's Committee at a time and place designated by the Chairman. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following-named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairmen thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the President's Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and to their affairs, as are not inconsistent with law or with the provisions of this Order.

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(e) The Vice Chairmen shall advise and counsel the Committee and shall represent the Committee on appropriate occasions.

(f) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per diem allowances as authorized by law for persons serving without compensation. Persons with disabilities serving as Chairman or Vice Chairmen may be compensated for attendant expenses, consistent with government procedures and practices.

(g) Employees of the President's Committee shall be appointed, subject to law, and shall be directed by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(h) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriations structure of the Department of Labor, in such manner as the Director of the Office of Management and Budget may prescribe. The Chairman of the Committee, in cooperation with the Assistant Secretary for Administration and Management of the Department of Labor, shall be responsible for the preparation and justification of the estimates of appropriations for the Committee.

SEC. 6. Reporting. The President's Committee shall report annually to the President, who may apprise the Congress, and other interested organizations and individuals on the progress and problems of maximizing employment opportunities for people with disabilities.

SEC. 7. Prior Orders; Transition. (a) To the extent that this Order is inconsistent with any provision of any prior order, or with any provisions of any regulation or other measure or disposition, heretofore issued, made, or taken by the President or by any other officer of the Executive branch of the Government, this Order shall control. Executive Order No. 11480 of September 9, 1969, as amended, is hereby superseded.

(b) Without further action by the President or the Chairman of the Committee, all members, employees, records, property, funds, and pending business of the President's Committee on Employment of the Handicapped provided for in Executive Order No. 11480 of September 9, 1969, as amended, shall on the date of this Order become members, employees, records, property, funds, and pending business of the Committee established by this Order.

(c) The tenure of persons as members of the Committee in pursuance of the provisions of Section 7(b) of this Order, (i), in the case of persons appointed to the predecessor Committee by the President, shall be at the pleasure of the President, and (ii), in the case of other members, shall be for periods equal to their respective unexpired terms under Executive Order No. 11480, as amended, but shall also be subject to the provisions of the last sentence of Section 1(b) of this Order.

CHAPTER 30—[RESERVED]

CHAPTER 31—MONEY AND FINANCE

Executive Orders

- 8533 Designating the Secretary of the Treasury to act in respect of any bonds, notes, or other securities acquired on behalf of the United States under the provisions of the Transportation Act, 1920, as amended
- 8534 Providing for the performance of certain functions of the President by the Secretary of the Treasury
- 8535 Providing for the issuance of regulations governing the purchase, custody, transfer, or sale of foreign exchange by the United States
- 8536 National Advisory Council on International Monetary and Financial Policies
- 8537 Transferring jurisdiction over certain blocked assets from the Attorney General to the Secretary of the Treasury
- 8538 Overseas Private Investment Corporation
- 8539 Designation of certain officers to act as Secretary of the Treasury
- 8540 Revocation of Executive orders pertaining to the regulation of the acquisition of, holding of, or other transactions in gold
- 8541 Foreign investment in the United States
- 8542 International investment and trade in services
- 8543 African Development Bank
- 8544 Inter-American Investment Corporation, Commission for the Study of Alternatives to the Panama Canal, and Pacific Salmon Commission
- 8545 Working Group on Financial Markets

Executive Order 8533—Designating the Secretary of the Treasury to act in respect of any bonds, notes, or other securities acquired on behalf of the United States under the provisions of the Transportation Act, 1920, as amended

SOURCE: The provisions of Executive Order 8533 of Sept. 6, 1940, appear at 5 FR 401, 3 CFR, 1938-1943 Comp., p. 708, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by section 13 of Title II of the Transportation Act, 1920, which section was amended by the Act of August 13, 1940 (Public No. 766, 76th Congress), I hereby designate the Secretary of the Treasury as the officer authorized to sell, exchange, or otherwise dispose of, or to enter into arrangements for the extension of the maturity of, any bonds, notes, or other securi-

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ties within the purview of the provisions of the said Act of August 13, 1940, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the Secretary of the Treasury may deem advisable and in the public interest.

EDITORIAL NOTE: Executive Order 8533 was amended by Executive Order 9543 of Apr. 23, 1945, 10 FR 4413, 3 CFR, 1943-1948 Comp., p. 377, and Executive Order 9774 of Sept. 3, 1946, 11 FR 9729, 3 CFR, 1943-1948 Comp., p. 566, designating the Reconstruction Finance Corporation as the agency authorized to dispose of securities with respect to loans made to certain privately owned companies. The moneys realized were to be paid to the Secretary of the Treasury for deposit to the appropriate account.

Executive Order 10289—Providing for the performance of certain functions of the President by the Secretary of the Treasury

SOURCE: The provisions of Executive Order 10289 of Sept. 17, 1951, appear at 16 FR 9499, 3 CFR, 1949-1953 Comp., p. 787, unless otherwise noted.

By virtue of the authority vested in me by section 1 of the act of August 8, 1950, 64 Stat. 419 (Public Law 673, 81st Congress), and as President of the United States, it is ordered as follows:

1. The Secretary of the Treasury is hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1 of the act of August 1, 1914, c. 223, 38 Stat. 609, 623, as amended (19 U.S.C. 2), (1) to rearrange, by consolidation or otherwise, the several customs-collection districts, (2) to discontinue ports of entry by abolishing the same and establishing others in their stead, and (3) to change from time to time the location of the headquarters in any customs-collection district as the needs of the service may require.

(b) The authority vested in the President by section 1 of the Anti-Smuggling Act of August 5, 1935, c. 438, 49 Stat. 517 (19 U.S.C. 1701), (1) to find and declare that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being, or may be, occasioned, promoted, or threatened, (2) to find and declare that certain waters on the high seas are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels, and (3) to find and declare that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area.

(c) The authority vested in the President by section 1 of the Act of August 26, 1925, Public Law 98-89, 97 Stat. 510 (46 U.S.C. 3101); to suspend the provisions of law requiring the inspection of foreign-built vessels admitted to American registry.

(d) The authority vested in the President by section 5 of the act of May 28, 1908, c. 212, 35 Stat. 425, as amended (46 U.S.C. Appendix 104), to determine (as a prerequisite to the extension of reciprocal privileges by the Commissioner of Customs) that yachts used and employed

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exclusively as pleasure vessels and belonging to any resident of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses.

(e) The authority vested in the President by section 2 of the act of March 24, 1908, c. 96, 35 Stat. 46 (46 U.S.C. Appendix 134), to name the hospital ships to which section 1 of the said act shall apply to indicate the time when the exemptions thereby provided for shall begin and end.

(f) The authority vested in the President by section 4223 of the Revised Statutes, as amended (46 U.S.C. Appendix 141), (1) to declare that—upon satisfactory proof being given by the government of any foreign nation that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country—the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country, and (2) to suspend in part the operation of section 4219 of the Revised Statutes, as amended (46 U.S.C. Appendix 121), and section IV, J, subsection 1 of the act of October 3, 1913, c. 16, 38 Stat. 195, as amended (46 U.S.C. Appendix 146), so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in such country: *Provided*, that prior to the issuance of an order of the Secretary of the Treasury suspending and discontinuing (wholly or in part) discriminating tonnage duties, imposts, and import duties within the United States, the Department of State shall obtain and furnish to the Secretary of the Treasury the proof required by the said section 4228, as amended as the basis for that order.

(g) The authority vested in the President by section 3650 of the Internal Revenue Code (26 U.S.C. 3650) to establish convenient collection districts (for the purpose of assessing, levying, and collecting the taxes provided by the internal revenue laws), and from time to time to alter such districts.

(h) The authority which is now vested in the President by section 2564 (b) of the Internal Revenue Code (26 U.S.C. 2564 (b)), and which on and after January 1, 1955, will be vested in the President by section 4735 (b) of the Internal Revenue Code of 1954, to issue, in accordance with the provisions of the said section 2564 (b) or 4735 (b), as the case may be, orders providing for the registration and the imposition of a special tax upon all persons in the Canal Zone who produce, import compound, deal in, dispense, sell, distribute, or give away narcotic drugs.

(i) The authority vested in the President by Section 5318 of the Revised Statutes, as amended (19 U.S.C. 540), to employ suitable vessels

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other than Coast Guard cutters in the execution of laws providing for the collection of duties on imports and tonnage;

[Para. 1 amended by EO 10583 of Dec. 18, 1954, 19 FR 8725, 3 CFR, 1954-1958 Comp., p. 232; EO 10882 of July 18, 1960, 25 FR 6869, 3 CFR, 1959-1963 Comp., p. 413; EO 11110 of June 4, 1963, 28 FR 5605, 3 CFR, 1959-1963 Comp., p. 770; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

2. The Secretary of the Treasury is hereby designated and empowered to perform without the approval, ratification, or other action of the President the following functions which have heretofore, under the respective provisions of law cited, required the approval of the President in connection with their performance by the Secretary of the Treasury:

(a) The authority vested in the Secretary of the Treasury by section 6 of the act of July 8, 1937, c. 444, 50 Stat. 480 (5 U.S.C. 134c), to make rules and regulations necessary for the execution of the functions vested in the Secretary of the Treasury by the said act, as amended.

(b) [Revoked]

(c) [Revoked]

(d) [Revoked]

(e) The authority vested in the Secretary of the Treasury by section 1 of Title II of the act of June 15, 1917, c. 30, 40 Stat. 220 (50 U.S.C. 191), to make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States.

(f) [Revoked]

[Para. 2 amended by EO 11110 of June 4, 1963, 28 FR 5605, 3 CFR, 1959-1963 Comp., p. 770; EO 11825 of Dec. 31, 1974, 40 FR 1003, 3 CFR, 1971-1975 Comp., p. 929; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

3. (a) The Secretary of the Treasury and the Postmaster General are hereby designated and empowered jointly to prescribe without the approval of the President regulations, under section 1 of the act of July 8, 1937, c. 444, 50 Stat. 479 (5 U.S.C. 134), governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly-owned corporations, officers, and employees of the United States.

(b) The Postmaster General is hereby designated and empowered to exercise without the approval, ratification, or other action of the President the authority vested in the President by section 504 (b) of title 18 of the United States Code to approve regulations issued by the Secretary of the Treasury under the authority of the said section 504 (b) (relating to the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of postage stamps for philatelic purposes), and to approve any amendment or repeal of any of such regulations by the Secretary of the Treasury.

[Para. 3 amended by EO 10583 of Dec. 18, 1954, 19 FR 8725, 3 CFR, 1954-1958 Comp., p. 232]

4. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

5. All actions heretofore taken by the President in respect of the matters affected by this order and in force at the time of the issuance of

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this order, including regulations prescribed by the President in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

Executive Order 10488—Providing for the issuance of regulations governing the purchase, custody, transfer, or sale of foreign exchange by the United States

SOURCE: The provisions of Executive Order 10488 of Sept. 23, 1953, appear at 18 FR 5699, 3 CFR, 1949-1953 Comp., p. 972, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered that the purchase, custody, transfer, or sale of foreign exchange (including credits and currencies) by any executive department or agency of the United States shall be administered under such regulations, not inconsistent with the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (66 Stat. 662; 31 U.S.C. 724), section 1313 of the Supplemental Appropriation Act, 1954 (67 Stat. 438), or of any other law, as may be issued by the Secretary of the Treasury, and the Secretary of the Treasury is authorized to issue such regulations.

Executive Order 11269—National Advisory Council on International Monetary and Financial Policies

SOURCE: The provisions of Executive Order 11269 of Feb. 14, 1966, appear at 31 FR 2813, 3 CFR, 1966-1970 Comp., p. 534, unless otherwise noted.

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 FR 9353), and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Council.* (a) There is hereby established the National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: the Secretary of the Treasury, who shall be the chairman of the Council, the Secretary of State, the United States Trade Representative, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the International Development Cooperation Agency, and the President of the Export-Import Bank of Washington.¹

(c) Whenever matters within the jurisdiction of the Council may be of interest to Federal agencies not represented on the Council under Section 1(b) of this order, the Chairman of the Council may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Council.

[Sec. 1 amended by EO 12164 of Sept. 25, 1979, 44 FR 56681, 3 CFR, 1979 Comp., p. 44; EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131]

¹ EDITORIAL NOTE: Redesignated as the Export-Import Bank of the United States by Pub. L. 90-267 (82 Stat. 47, 12 U.S.C. 635 nt.).

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SEC. 2. *Functions of the Council.* (a) Exclusive of the functions delegated by the provisions of Section 3, below, and subject to the limitations contained in subsection (b) of this Section, all of the functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Council.

(b) The functions under Sections 4(a) and 4(b)(3) of the Bretton Woods Agreements Act, including those made applicable to the International Finance Corporation, the Inter-American Development Bank, and the International Development Association (22 U.S.C. 286b(a) and (b)(3); 282b; 283b; 284b), to the extent that such functions consist of coordination of policies, are hereby delegated to the Council. The functions so delegated shall be deemed to include the authority to review proposed individual loan, financial, exchange, or monetary transactions to the extent necessary or desirable to effectuate the coordination of policies.

(c) The Council shall perform with respect to the Asian Development Bank, African Development Fund, African Development Bank, Inter-American Investment Corporation, and Multilateral Investment Guarantee Agency the same functions as those delegated to it by subsections (a) and (b) of this section with respect to other international financial institutions.

[Sec. 2 amended by EO 11334 of Mar. 7, 1967, 32 FR 3933, 3 CFR, 1966-1970 Comp., p. 627; EO 11977 of Mar. 14, 1977, 42 FR 14671, 3 CFR, 1977 Comp., p. 109; EO 12403 of Feb. 8, 1983, 48 FR 6087, 3 CFR, 1983 Comp., p. 150; EO 12567 of Oct. 2, 1986, 51 FR 35495, 3 CFR, 1986 Comp., p. 232; EO 12647 of Aug. 2, 1988, 53 FR 29323, 3 CFR, 1988 Comp., p. 578]

SEC. 3. *Functions of the Secretary of the Treasury.* (a) Functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of the Treasury to the extent of the following:

(1) Authority, subject to the provisions of Section 7 of this Order, to instruct representatives of the United States to international financial organizations.

(2) Authority provided for in Section 4(b)(4) of the Bretton Woods Agreements Act (22 U.S.C. 286b(b)(4)). Such authority, insofar as it relates to the development aspects of the policies, programs, or projects of the International Bank for Reconstruction and Development shall be exercised subject to the provisions of Section 7 of this Order.

(b) In carrying out the functions delegated to him by subsection (a) of this Section the Secretary shall consult with the Council.

(c) Nothing in this order shall be deemed to derogate from the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(d) The Secretary of the Treasury shall perform, with respect to the Asian Development Bank, African Development Fund, African Development Bank, Inter-American Investment Corporation, and Multilateral Investment Guarantee Agency the same functions as those delegated to him by subsections (a) and (b) of this section with respect to other international financial institutions.

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(e) The Secretary of the Treasury is hereby delegated the functions conferred upon the President by Section 203(b) and Section 207 of the Act of May 31, 1976 (90 Stat. 593 and 594, 22 U.S.C. 290g-1 and 290g-5), subject to the provisions of Section 7 of this Order.

[Sec. 3 amended by EO 11334 of Mar. 7, 1967, 32 FR 3933, 3 CFR, 1966-1970 Comp., p. 627; EO 11977 of Mar. 14, 1977, 42 FR 14671, 3 CFR, 1977 Comp., p. 109; EO 12164 of Sept. 29, 1979, 44 FR 56681, 3 CFR, 1979 Comp., p. 444; EO 12403 of Feb. 8, 1983, 48 FR 6087, 3 CFR, 1983 Comp., p. 150; EO 12567 of Oct. 2, 1986, 51 FR 35495, 3 CFR, 1986 Comp., p. 232; EO 12647 of Aug. 2, 1988, 53 FR 29323, 3 CFR, 1988 Comp., p. 578]

SEC. 4. Information. (a) All agencies and officers of the Government, including representatives of the United States to international financial organizations, (1) shall keep the Council or the Secretary of the Treasury, as the case may be, fully informed concerning the foreign loan, financial, exchange, and monetary transactions in which they engage or may engage or with respect to which they have other responsibility, and (2) shall provide the Council, the Director of the International Development Cooperation Agency, and the Secretary with such further information or data in their possession as the Council, the Director of the International Development Cooperation Agency, or the Secretary, as the case may be, may deem necessary to the appropriate discharge of the responsibilities of the Council, the Director of the International Development Cooperation Agency, and Secretary under Sections 2 and 3 of this order, respectively.

(b) The Council shall from time to time transmit to all appropriate agencies and officers of the Government statements of the policies of the Council under this order and such other information relating to the above-mentioned transactions or to the functions of the Council hereunder as the Council shall deem desirable.

[Sec. 4 amended by EO 12164 of Sept. 29, 1979, 44 FR 56681, 3 CFR, 1979 Comp., p. 444]

SEC. 5. Executive Order No. 10033.

[Sec. 5 amends EO 10033 of Feb. 8, 1949, Chapter 34, p. 685. The amendment has been incorporated into that order.]

SEC. 6. Effective date. The provisions of this order shall be effective as of January 1, 1966.

SEC. 7. Functions of the Director of the International Development Cooperation Agency. As the principal international development advisor to the President, the Director of the International Development Cooperation Agency shall advise both the Secretary of the Treasury and the appropriate United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, the African Development Bank, the African Development Corporation, and Multilateral Investment Guarantee Agency on the development aspects of matters relating to those institutions and their activities.

[Sec. 7 added by EO 12164 of Sept. 29, 1979, 44 FR 56681, 3 CFR, 1979 Comp., p. 444; amended by EO 12403 of Feb. 8, 1983, 48 FR 6087, 3 CFR, 1983 Comp., p. 150; EO 12567 of Oct. 2, 1986, 51 FR 35495, 3 CFR, 1986 Comp., p. 232; EO 12647 of Aug. 2, 1988, 53 FR 29323, 3 CFR, 1988 Comp., p. 578]

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Executive Order 11281—Transferring jurisdiction over certain blocked assets from the Attorney General to the Secretary of the Treasury

SOURCE: The provisions of Executive Order 11281 of May 13, 1966, appear at 31 FR 7215, 3 CFR, 1966-1970 Comp., p. 546, unless otherwise noted.

WHEREAS before October 1, 1948, the Secretary of the Treasury administered the blocking controls and other restrictions over property and interests of certain foreign countries or their nationals that had been imposed, under the authority of section 5(b) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 5(b)), by means of and under Executive Order No. 8389 of April 10, 1940, as amended; and

WHEREAS by Executive Order No. 9989 of August 20, 1948, jurisdiction over the property and interests which remained blocked or restricted under Executive Order No. 8389 on September 30, 1948, was transferred, effective October 1, 1948, to the Attorney General to aid him in carrying out his functions as successor to the Alien Property Custodian, including, among others, the function of vesting property pursuant to the provisions of the Trading with the Enemy Act, as amended; and

WHEREAS by Executive Order No. 10644 of November 7, 1955, the Attorney General was designated to carry out the functions of the President under Title II of the International Claims Settlement Act of 1949 (as added by the Act of August 9, 1955, Public Law 285, 84th Congress, 69 Stat. 562), including certain vesting and blocking functions required by section 202 of that Act (22 U.S.C. 1631a), and the Attorney General, as designee of the President, exercises controls under Executive Order No. 8389 with respect to the net proceeds of certain property that are carried, pursuant to section 202, in blocked accounts with the Treasury; and

WHEREAS the functions of vesting property under the Trading with the Enemy Act and under section 202 of the International Claims Settlement Act of 1949 have been terminated; and

WHEREAS the blocking controls now exercised by the Attorney General under Executive Order No. 8389 are limited in application to property of Hungary or its nationals acquired on or before January 1, 1945; property of Czechoslovakia, Estonia, Latvia, Lithuania or nationals of those countries acquired on or before December 7, 1945; property of East Germany or its nationals acquired on or before December 31, 1946, and certain securities scheduled in General Rulings No. 5 and No. 5B, as amended (8 CFR 511.205 and 511.205b); and

WHEREAS the Office of Alien Property, through which the Attorney General carries out or has carried out the various responsibilities described above, will be abolished on or before June 30, 1966, and the Attorney General thereafter will not be in a position to administer blocking controls under Executive Order No. 8389 efficiently; and

WHEREAS in the interest of efficiency it is desirable to return to the Secretary of the Treasury jurisdiction over the property and interests remaining subject to such blocking controls:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading with the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949 and section 301 of Title 3 of the United States

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code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The authority granted to the Attorney General by Executive Order No. 9989 with respect to property and interests blocked or otherwise subject to restriction under Executive Order No. 8389 is hereby terminated and Executive Order No. 9989 is hereby superseded.

SEC. 2. The Secretary of the Treasury shall hereafter be responsible for the administration of the controls exercisable under Executive Order No. 8389, and he is authorized and directed to take such action as he may deem necessary with respect to any property or interest that remains blocked or restricted under Executive Order No. 8389 on the effective date of this order. In the performance of the functions and duties hereby reassigned to him, the Secretary of the Treasury may act personally or through any officer, person, agency or instrumentality designated by him.

SEC. 3. All orders, regulations, rulings, instructions or licenses issued prior to the effective date of this order by the Attorney General or the Secretary of the Treasury with respect to any of the property or interests referred to in Section 2 shall continue in full force and effect except as hereafter amended, modified or revoked by the Secretary of the Treasury.

SEC. 4. No person affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Attorney General or the Secretary of the Treasury in the administration of Executive Order No. 8389 may challenge the validity thereof or otherwise excuse any action, or failure to act, on the ground that it was within the jurisdiction of the Secretary of the Treasury rather than the Attorney General or *vice versa*.

SEC. 5. [Deleted]

SEC. 5 amended EO 10644 of Nov. 7, 1955, which was revoked by EO 12553 of Feb. 25, 1966.]

SEC. 6. Executive Order No. 8389, this order and all delegations, designations, regulations, rulings, instructions and licenses issued or to be issued under Executive Order No. 8389 or this order are hereby continued in force according to their terms for the duration of the period of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.¹ Executive Order No. 10348 of April 26, 1952 is hereby superseded.

SEC. 7. Nothing in this order shall be deemed to revoke or limit any powers heretofore conferred on the Secretary of the Treasury by or under any statute or Executive order, or to revoke or limit any powers heretofore conferred upon the Attorney General by or under any statute or Executive order other than Executive Order No. 9989 or No. 10644.

SEC. 8. This order shall become effective at midnight, May 15, 1966.

¹EDITORIAL NOTE: Public Law 94-412 (90 Stat. 1255, 50 U.S.C. 1601) terminated, effective Sept. 14, 1978, all powers and authorities, except those expressly cited in the act, exercised by the President and/or other Federal officials as a result of any declaration of national emergency in effect on Sept. 14, 1976.

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Executive Order 11579—Overseas Private Investment Corporation

SOURCE: The provisions of Executive Order 11579 of Jan. 19, 1971, appear at 36 FR 969, 3 CFR, 1971-1975 Comp., p. 536, unless otherwise noted.

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act"), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation.* All obligations, assets and related rights and responsibilities arising out of or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

SEC. 2. *Delegation of functions.* (a) The functions conferred upon the President by sections 621(b), 625(d)(1), 627, 628, 629(b), 630, and 635(d) of the Act insofar as such functions relate to the operation of the Corporation, its activities, or personnel are hereby delegated to the Corporation: *Provided*, That the concurrence of the Secretary of State shall be required with respect to the exercise by the Corporation of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by the Corporation.

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Office of Personnel Management.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 20]

SEC. 3. *Allocation and transfer of funds.* Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions.* (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended, is hereby superseded insofar as any provision therein is in conflict with any provision herein.

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(c) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

Executive Order 11822—Designation of certain officers to act as Secretary of the Treasury

SOURCE: The provisions of Executive Order 11822 of Dec. 10, 1974, appear at 39 FR 43275, 3 CFR, 1971-1975 Comp., p. 927, unless otherwise noted.

By virtue of the authority vested in me by section 3347 of title 5 and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, either the Secretary of the Treasury or his Deputy Secretary is not available to exercise the powers or perform the duties of the office of Secretary, an officer from the Department of the Treasury appointed by the President—by and with the advice and consent of the Senate, in such order as the Secretary of the Treasury may from time to time prescribe—shall act as Secretary until the absence or the disability of the incumbent shall cease, or until a successor is appointed. If no such order of succession is in effect at that time, then such officers shall act as Secretary in the descending order of rank, as established by their offices being listed in sections 5314, 5315 or 5316 of title 5 of the United States Code and, at each level of the Executive Schedule, in the order which they shall have taken the oath as such officers.

SEC. 2. Executive Order No. 11680 of August 21, 1972, entitled "Designation of Certain Officers to Act as Secretary of the Treasury" is hereby revoked.

Executive Order 11825—Revocation of Executive orders pertaining to the regulation of the acquisition of, holding of, or other transactions in gold

SOURCE: The provisions of Executive Order 11825 of Dec. 31, 1974, appear at 40 FR 1003, 3 CFR, 1971-1975 Comp., p. 929, unless otherwise noted.

By virtue of the authority vested in me by section 1 of the Act of August 8, 1950, 64 Stat. 419, and section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a), and as President of the United States, and in view of the provisions of section 3 of Public Law 93-110, 87 Stat. 352, as amended by section 2 of Public Law 93-373, 88 Stat. 445, it is ordered as follows:

SECTION 1. Executive Order No. 6260 of August 28, 1933, as amended by Executive Order No. 6359 of October 25, 1933, Executive Order No. 6556 of January 12, 1934, Executive Order No. 6560 of January 15, 1934, Executive Order No. 10896 of November 29, 1960, Executive Order No. 10905 of January 14, 1961, and Executive Order No. 11037 of July 20, 1962; the fifth and sixth paragraphs of Executive Order No. 6073, March 10, 1933; sections 3 and 4 of Executive Order No. 6359 of October 25, 1933; and paragraph 2(d) of Executive Order No. 10289 of September 17, 1951, are hereby revoked.

SEC. 2. The revocation, in whole or in part, of such prior Executive orders relating to regulation on the acquisition of, holding of, or other transactions in gold shall not affect any act completed, or any right ac-

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cruing or accrued, or any suit or proceeding finished or started in any civil or criminal cause prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made.

This order shall become effective on December 31, 1974.

Executive Order 11858—Foreign investment in the United States

SOURCE: The provisions of Executive Order 11858 of May 7, 1975, appear at 40 FR 20263, 3 CFR, 1971-1975 Comp., p. 990.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Act of February 14, 1903, as amended (15 U.S.C. 1501 et seq.), section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Committee on Foreign Investment in the United States (hereinafter referred to as the Committee). The Committee shall be composed of the following:

- (1) The Secretary of State.
- (2) The Secretary of the Treasury.
- (3) The Secretary of Defense.
- (4) The Secretary of Commerce.
- (5) The United States Trade Representative.
- (6) The Chairman of the Council of Economic Advisers.
- (7) The Attorney General.
- (8) The Director of the Office of Management and Budget.

The Secretary of the Treasury shall be the chairman of the Committee. The chairman, as he deems appropriate, may invite representatives of other departments and agencies to participate from time to time in activities of the Committee.

(b) The Committee shall have primary continuing responsibility within the Executive Branch for monitoring the impact of foreign investment in the United States, both direct and portfolio, and for coordinating the implementation of United States policy on such investment. In fulfillment of this responsibility, the Committee shall:

- (1) arrange for the preparation of analyses of trends and significant developments in foreign investments in the United States;
- (2) provide guidance on arrangements with foreign governments for advance consultations on prospective major foreign governmental investments in the United States;
- (3) review investments in the United States which, in the judgment of the Committee, might have major implications for United States national interests;
- (4) consider proposals for new legislation or regulations relating to foreign investment as may appear necessary; and
- (5) coordinate the views of the Executive Branch and discharge the responsibilities with respect to Section 721(a) and (e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) ("Defense Production Act").

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(c) As the need arises, the Committee shall submit recommendations and analyses to the National Security Council and to the Economic Policy Board. It shall also arrange for the preparation and publication of periodic reports.

[Sec. 1 amended by EO 12188 of Jan. 2, 1980, 45 FR 989, 3 CFR, 1980 Comp., p. 131; EO 12661 of Dec. 27, 1988, 54 FR 779, 3 CFR, 1988 Comp., p. 618]

SEC. 2. The Secretary of Commerce, with respect to the collection and use of data on foreign investment in the United States, shall provide, in particular, for the performance of the following activities:

- (a) The obtainment, consolidation, and analysis of information on foreign investment in the United States;
- (b) the improvement of procedures for the collection and dissemination of information on such foreign investment;
- (c) the close observation of foreign investment in the United States;
- (d) the preparation of reports and analyses of trends and of significant developments in appropriate categories of such investment;
- (e) the compilation of data and preparation of evaluations of significant investment transactions; and
- (f) the submission to the Committee of appropriate reports, analyses, data and recommendations relating to foreign investment in the United States, including recommendations as to how information on foreign investment can be kept current.

SEC. 3. The Secretary of the Treasury is authorized, without further approval of the President, to make reasonable use of the resources of the Exchange Stabilization Fund, in accordance with section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), to pay any of the expenses directly incurred by the Secretary of Commerce in the performance of the functions and activities provided by this order. This authority shall be in effect for one year, unless revoked prior thereto.

SEC. 4. All departments and agencies are directed to provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of Commerce in carrying out their functions and activities under this order.

SEC. 5. Information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law; and such information shall be used by the Committee only for the purpose of carrying out the functions and activities prescribed by this order. Information or documentary material filed pursuant to Section 1(b)(5) or Section 7 of this Order shall be treated in accordance with paragraph (b) of Section 721 of the Defense Production Act.

[Sec. 5 amended by EO 12661 of Dec. 27, 1988, 54 FR 779, 3 CFR, 1988 Comp., p. 618]

SEC. 6. Nothing in this order shall affect the data-gathering, regulatory, or enforcement authority of any existing department or agency over foreign investment, and the review of individual investments provided by this order shall not in any way supersede or prejudice any other process provided by law.

SEC. 7. (1) *Investigations.* (a) The Committee is designated to receive notices and other information, to determine whether investigations should be undertaken, and to make investigations, pursuant to Section 721(a) of the Defense Production Act. (b) If the Committee determines that an investigation should be undertaken, such investigation shall

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commence no later than 30 days after receipt by the Committee of written notification of the proposed or pending merger, acquisition, or takeover. Such investigation shall be completed no later than 45 days after such determination. (c) If one or more Committee members differ with a Committee decision not to undertake an investigation, the Chairman shall submit a report of the Committee to the President setting forth the differing views and presenting the issues for his decision within 25 days after receipt by the Committee of written notification of the proposed or pending merger, acquisition, or takeover. (d) A unanimous decision by the Committee not to undertake an investigation with regard to a notice shall conclude action under this section on such notice. The Chairman shall advise the President of said decision.

(2) *Report to the President.* Upon completion or termination of any investigation, the Committee shall report to the President and present a recommendation. Any such report shall include information relevant to subparagraphs (1) and (2) of Section 721(d) of the Defense Production Act. If the Committee is unable to reach a unanimous recommendation, the Chairman shall submit a report of the Committee to the President setting forth the differing views and presenting the issues for his decision.

[Sec. 7 added by EO 12661 of Dec. 27, 1988, 54 FR 779, 3 CFR, 1988 Comp., p. 618]

SEC. 8. The Chairman of the Committee, in consultation with other members of the Committee, is hereby delegated the authority to issue regulations to implement Section 721 of the Defense Production Act.

[Sec. 8 added by EO 12661 of Dec. 27, 1988, 54 FR 779, 3 CFR, 1988 Comp., p. 618]

Executive Order 11961—International investment and trade in services

SOURCE: The provisions of Executive Order 11961 of Jan. 19, 1977, appear at 42 FR 4321, 3 CFR, 1977 Comp., p. 86, unless otherwise noted.

By virtue of the authority vested in me by the International Investment and Trade in Services Survey Act (90 Stat. 2059, 22 U.S.C. 3101), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. All the functions vested in the President by the International Investment and Trade in Services Survey Act (90 Stat. 2059, 22 U.S.C. 3101), hereinafter referred to as the Act, are hereby delegated to the Director of the Office of Management and Budget, hereinafter referred to as the Director. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

[Title, authority recitation, and sec. 1 amended by EO 12518 of June 3, 1985, 50 FR 23661, 3 CFR, 1985 Comp., p. 348]

SEC. 2. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to portfolio investment, shall perform the functions set forth in sections 4(a) (1), (2), (5) and 4(c) of the Act.

[Sec. 2 amended by EO 12518 of June 3, 1985, 50 FR 23661, 3 CFR, 1985 Comp., p. 348]

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SEC. 3. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce, with respect to direct investment and trade in services, shall perform the functions set forth in sections 4(a) (1), (2), (4), (5) and 4(b) of the Act.

[Sec. 3 amended by EO 12518 of June 3, 1985, 50 FR 23661, 3 CFR, 1985 Comp., p. 348]

SEC. 4. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce shall perform the function of making periodic reports to the Committees of the Congress as set forth in Section 4(a)(3) of the Act.

[Sec. 4 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

Executive Order 12403—African Development Bank

SOURCE: The provisions of Executive Order 12403 of Feb. 8, 1983, appear at 48 FR 6087, 3 CFR, 1983 Comp., p. 150, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 1 of the International Organizations Immunities Act (22 U.S.C. 288), Reorganization Plan No. 4 of 1965, and the African Development Bank Act (22 U.S.C. 290i), and in order to facilitate United States participation in the African Development Bank, it is hereby ordered as follows:

SECTION 1. The African Development Bank, in which the United States participates pursuant to Sections 1332–1342 of Public Law 97–35 and the Agreement Establishing the African Development Bank, is hereby designated as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect the privileges and immunities which such organization has acquired or may acquire by treaty or Congressional action. This designation shall not affect in any way the applicability of Section 1 of Article 52 of the Agreement, Article 57 of such Agreement or the Declaration made by the United States pursuant to Article 64 of the Agreement.

SEC. 2. [Deleted]

[Sec. 2 amends EO 11269 of Feb. 14, 1966, this chapter, p. 507. The amendments have been incorporated into that order.]

SEC. 3. The functions vested in the President by Sections 1333(c), 1334, 1338(a) and 1341(b) of Public Law 97–35 (22 U.S.C. 290i–1(c), 290i–2, 290i–6(a), and 290i–9(b)) are delegated to the Secretary of the Treasury.

Executive Order 12567—Inter-American Investment Corporation, Commission for the Study of Alternatives to the Panama Canal, and Pacific Salmon Commission

SOURCE: The provisions of Executive Order 12567 of Oct. 2, 1986, appear at 51 FR 35495, 3 CFR, 1986 Comp., p. 232, unless otherwise noted.

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By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 1 of the International Organizations Immunities Act (22 U.S.C. 288), Reorganization Plan No. 4 of 1965, and the Inter-American Investment Corporation Act (22 U.S.C. 283aa-283ii), and having found that the United States participates in the Commission for the Study of Alternatives to the Panama Canal pursuant to the Panama Canal Treaty of 1977 and the Panama Canal Act (22 U.S.C. 3619) and participates in the Pacific Salmon Commission pursuant to the Pacific Salmon Treaty and the Pacific Salmon Treaty Act (16 U.S.C. 3631 *et seq.*), it is hereby ordered as follows:

SECTION 1. [Deleted]

[Sec. 1 designates a public international organization, which is listed in the editorial note following EO 9698 of Feb. 19, 1946, Chapter 22, p. 399.]

SEC. 2. The functions vested in the President by Section 210 of the Inter-American Investment Corporation Act are hereby delegated to the Secretary of the Treasury.

Sec. 3. [Deleted]

Sec. 4. [Deleted]

[Secs. 3 and 4 designate public international organizations, which are listed in the editorial note following EO 9698 of Feb. 19, 1946, Chapter 22, p. 399.]

SEC. 5. [Deleted]

[Sec. 5 amends EO 11269 of Feb. 14, 1966, this chapter, p. 507. The amendments have been incorporated into that order.]

Executive Order 12631—Working Group on Financial Markets

SOURCE: The provisions of Executive Order 12631 of Mar. 18, 1988, appear at 53 FR 9421, 3 CFR, 1988 Comp., p. 559, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish a Working Group on Financial Markets, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is hereby established a Working Group on Financial Markets (Working Group). The Working Group shall be composed of:

- (1) the Secretary of the Treasury, or his designee;
- (2) the Chairman of the Board of Governors of the Federal Reserve System, or his designee;
- (3) the Chairman of the Securities and Exchange Commission, or his designee; and
- (4) the Chairman of the Commodity Futures Trading Commission, or her designee.

(b) The Secretary of the Treasury, or his designee, shall be the Chairman of the Working Group.

SEC. 2. *Purposes and Functions.* (a) Recognizing the goals of enhancing the integrity, efficiency, orderliness, and competitiveness of our Nation's financial markets and maintaining investor confidence, the Working Group shall identify and consider:

- (1) the major issues raised by the numerous studies on the events in the financial markets surrounding October 19, 1987, and any of those

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recommendations that have the potential to achieve the goals noted above; and

(2) the actions, including governmental actions under existing laws and regulations (such as policy coordination and contingency planning), that are appropriate to carry out these recommendations.

(b) The Working Group shall consult, as appropriate, with representatives of the various exchanges, clearinghouses, self-regulatory bodies, and with major market participants to determine private sector solutions wherever possible.

(c) The Working Group shall report to the President initially within 60 days (and periodically thereafter) on its progress and, if appropriate, its views on any recommended legislative changes.

SEC. 3. *Administration.* (a) The heads of Executive departments, agencies, and independent instrumentalities shall, to the extent permitted by law, provide the Working Group such information as it may require for the purpose of carrying out this Order.

(b) Members of the Working Group shall serve without additional compensation for their work on the Working Group.

(c) To the extent permitted by law and subject to the availability of funds therefor, the Department of the Treasury shall provide the Working Group with such administrative and support services as may be necessary for the performance of its functions.

CHAPTER 32—NATIONAL DEFENSE

SUBCHAPTER A—GENERAL

Proclamations

- 4771 Registration under the Military Selective Service Act

Executive Orders

- 16400 Establishing naval defensive sea areas around and naval airspace reservations over the islands of Kiska and Unalaska
- 16402 Establishing naval defensive sea areas around and naval airspace reservations over the islands of Palmyra, Johnston, Midway, Wake, and Kingman Reef
- 9000 Joint Mexican-United States Defense Commission
- 9761 Preservation and display of enemy flags captured by the Navy and the Coast Guard
- 9902 Establishing a seal for the Department of the Air Force
- 9979 Prescribing portions of the Selective Service regulations and authorizing the Director of Selective Service to perform certain functions of the President under the Selective Service Act of 1948
- 10007 Organization of the reserve units of the armed forces
- 10271 Delegating the authority of the President to order members and units of Reserve components of the Armed Forces into active Federal service
- 10295 Establishing a seal for the United States Court of Military Appeals
- 10434 Suspension of wage and salary controls under the Defense Production Act of 1950, as amended
- 10480 Further providing for the administration of the defense mobilization program
- 10538 Establishing a seal for the United States Marine Corps
- 10646 Designating the Secretary of Defense to coordinate and facilitate actions required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955
- 10661 Delegating to certain officers of the Government the authority vested in the President to designate persons from foreign countries who may be permitted to receive instruction at the Military, Naval, Air Force, and Merchant Marine Academies
- 10670 Establishing a flag for the United States Army
- 10694 Authorizing the Secretaries of the Army, Navy, and Air Force to issue citations in the name of the President of the United States to military and naval units for outstanding performance in action

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- 10736 Adopting an official seal for the Department of the Navy
- 10812 Establishing a flag for the United States Navy
- 11048 Administration of Wake Island and Midway Island
- 11623 Delegating to the Director of Selective Service authority to issue rules and regulations under the Military Selective Service Act
- 11765 Sale of vessels of the Navy
- 11850 Renunciation of certain uses in war of chemical herbicides and riot control agents
- 11918 Compensation for damages involving nuclear reactors of United States warships
- 12049 Defense Economic Adjustment Programs
- 12344 Naval Nuclear Propulsion Program
- 12556 Mailing privileges of members of armed forces of the United States and of friendly foreign nations

SUBCHAPTER B—MILITARY AND CIVILIAN PERSONNEL

Executive Orders

- 4601 [Distinguished Flying Cross]
- 8809 Good Conduct Medal
- 9260 Legion of Merit
- 9265 American, European-African-Middle Eastern and Asiatic-Pacific campaign medals
- 9637 Medal for Merit
- 10028 Defining noncombatant service and noncombatant training
- 10113 Delegating the authority of the President to prescribe clothing allowances, and cash allowances in lieu thereof, for enlisted men in the Armed Forces
- 10122 Regulations governing payment of disability retirement pay, hospitalization, and re-examination of members and former members of the uniformed services
- 10153 Regulations relating to certain travel time of members of the uniformed services called to active duty in excess of thirty days
- 10163 The Armed Forces Reserve Medal
- 10179 Establishing the Korean Service Medal
- 10325 Regulations governing the award of the Medal for Humane Action
- 10431 National Security Medal
- 10448 Establishing the National Defense Service Medal
- 10499 Delegating functions conferred upon the President by section 8 of the Uniformed Services Contingency Option Act of 1953
- 10554 Delegating the authority of the President to prescribe regulations authorizing occasions upon which the uniform may be worn by persons who have served honorably in the Armed Forces in time of war
- 10621 Delegation of certain functions of the President to the Secretary of Defense
- 10628 Restoring limitations upon punishments for violations of articles 82, 85, 86 (3), 87, 90, 91 (1) and (2), 113, and 115 of the Uniform Code of Military Justice
- 10631 Code of Conduct for members of the Armed Forces of the United States
- 10647 Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended
- 10762 Delegating to the Secretary of Defense the authority of the President to order to active duty members of the Reserve components of the Armed Forces who are in the medical, dental, or allied specialist categories and to prescribe regulations governing the appointment, reappointment, and promotion of such members
- 10776 Delegating to the Secretary of Defense certain authority of the President relating to the modification of standards and requirements with respect to the induction of persons into the armed forces, and for other purposes

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- 10805 Designating the Central Intelligence Agency as excepted from certain provisions of the Government Employees Training Act
- 10895 Extension of the provisions for rotation of civilian employees of the Defense Establishment assigned to duty outside the United States
- 10977 Establishing the Armed Forces Expeditionary Medal
- 10996 Promulgating regulations concerning withholding of compensation of civilian employees of the National Guard for State and State-sponsored employee retirement, disability, or death benefits programs
- 11016 Authorizing award of the Purple Heart
- 11046 Authorizing award of the Bronze Star Medal
- 11079 Providing for the prescribing of regulations under which members of the Armed Forces and others may accept fellowships, scholarships, or grants
- 11137 Relating to certain allowances and benefits for civilian employees of nonappropriated fund instrumentalities of the Armed Forces
- 11139 Authorizing acceptance of the United Nations Medal and Service Ribbon
- 11157 Prescribing regulations relating to incentive pay for hazardous duty, special pay for sea duty and duty at certain places, basic allowances for subsistence and basic allowances for quarters
- 11190 Providing for the screening of the Ready Reserve of the Armed Forces
- 11231 Establishing the Vietnam Service Medal
- 11298 Prescribing the interest rate for deposit of savings of members of the uniformed services
- 11339 Delegating certain authority of the President with regard to Army and Air Force rations
- 11366 Assigning authority to order certain persons in the Ready Reserve to active duty
- 11390 Delegation of certain functions of the President to the Secretary of Defense
- 11438 Prescribing procedures governing interdepartmental cash awards to the members of the Armed Forces
- 11446 Authorizing the acceptance of service medals and ribbons from multilateral organizations other than the United Nations
- 11448 Establishing the Meritorious Service Medal
- 11485 Supervision and control of the National Guard of the District of Columbia
- 11498 Delegating to the Secretary of Defense the authority to approve regulations governing the early discharge of enlisted members
- 11545 Establishing the Defense Distinguished Service Medal
- 11687 Delegating functions conferred upon the President by section 1455 of title 10 of the United States Code, establishing the Retired Serviceman's Survivor Benefit Plan
- 11800 Delegating certain authority vested in the President by the Aviation Career Incentive Act of 1974
- 11904 Establishing the Defense Superior Service Medal
- 11950 Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems with respect to cost of living adjustments
- 11965 Establishing the Humanitarian Service Medal
- 12019 Establishing the Defense Meritorious Service Medal
- 12023 Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems
- 12197 Central Intelligence Agency Retirement and Disability System
- 12253 Central Intelligence Agency Retirement and Disability System
- 12391 Partial suspension of Federal service labor-management relations
- 12396 Defense officer personnel management
- 12473 Manual for Courts-Martial, United States, 1984

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- 12514 Prescribing the order of succession of officers to act as Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force
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SUBCHAPTER C—INTELLIGENCE AND SECURITY ACTIVITIES

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- 10104 Defining certain vital military and naval installations and equipment as requiring protection against the general dissemination of information relative thereto
- 10111 Establishing a seal for the Central Intelligence Agency
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SUBCHAPTER A—GENERAL

Proclamation 4771—Registration under the Military Selective Service Act

SOURCE: The provisions of Proclamation 4771 of July 2, 1980, appear at 45 FR 45247-3 CFR, 1980 Comp., p. 82, unless otherwise noted.

Section 3 of the Military Selective Service Act, as amended (50 U.S.C. App. 453), provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by Sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, and in such manner as determined by the President. Section 6(k) provides that such exceptions shall not continue after the cause for the exemption ceases to exist.

The Congress of the United States has made available the funds (H.J. Res. 521, approved by me on June 27, 1980), which are needed to initiate this registration, beginning with those born on or after January 1, 1960.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Military Selective Service Act, as amended (50 U.S.C. App. 451 *et seq.*), do hereby proclaim as follows:

1-1. Persons to be Registered and Days of Registration.

1-101. Male citizens of the United States and other males residing in the United States, unless exempted by the Military Selective Service Act, as amended, who were born on or after January 1, 1960, and who

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have attained their eighteenth birthday, shall present themselves for registration in the manner and at the time and places as hereinafter provided.

1-102. Persons born in calendar year 1960 shall present themselves for registration on any of the six days beginning Monday, July 21, 1980.

1-103. Persons born in calendar year 1961 shall present themselves for registration on any of the six days beginning Monday, July 28, 1980.

1-104. Persons born in calendar year 1962 shall present themselves for registration on any of the six days beginning Monday, January 5, 1981.

1-105. Persons born on or after January 1, 1963, shall present themselves for registration on the day they attain the 18th anniversary of their birth or on any day within the period of 60 days beginning 30 days before such date; however, in no event shall such persons present themselves for registration prior to January 5, 1981.

1-106. Aliens who would be required to present themselves for registration pursuant to Sections 1-101 to 1-105, but who are in processing centers on the dates fixed for registration, shall present themselves for registration within 30 days after their release from such centers.

1-107. Aliens and noncitizen nationals of the United States who reside in the United States, but who are absent from the United States on the days fixed for their registration, shall present themselves for registration within 30 days after their return to the United States.

1-108. Aliens and noncitizen nationals of the United States who, on or after July 1, 1980, come into and reside in the United States shall present themselves for registration in accordance with Sections 1-101 to 1-105 or within 30 days after coming into the United States, whichever is later.

1-109. Persons who would have been required to present themselves for registration pursuant to Sections 1-101 to 1-108 but for an exemption pursuant to Section 3 or 6(a) of the Military Selective Service Act, as amended, or but for some condition beyond their control such as hospitalization or incarceration, shall present themselves for registration within 30 days after the cause for their exempt status ceases to exist or within 30 days after the termination of the condition which was beyond their control.

1-2. Places and Times for Registration.

1-201. Persons who are required to be registered and who are in the United States on any day fixed herein for their registration, shall present themselves for registration before a duly designated employee in any classified United States Post Office.

1-202. Citizens of the United States who are required to be registered and who are not in the United States on any of the days set aside for their registration, shall present themselves at a United States Embassy or Consulate for registration before a diplomatic or consular officer of the United States or before a registrar duly appointed by a diplomatic or consular officer of the United States.

1-203. The hours for registration in United States Post Offices shall be the business hours during the days of operation of the particular United States Post Office. The hours for registration in United States Embassies and Consulates shall be those prescribed by the United States Embassies and Consulates.

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1-3. *Manner of Registration.*

1-301. Persons who are required to be registered shall comply with the registration procedures and other rules and regulations prescribed by the Director of Selective Service.

1-302. When reporting for registration each person shall present for inspection reasonable evidence of his identity. After registration, each person shall keep the Selective Service System informed of his current address.

Having proclaimed these requirements for registration, I urge everyone, including employers in the private and public sectors, to cooperate with and assist those persons who are required to be registered in order to ensure a timely and complete registration. Also, I direct the heads of Executive agencies, when requested by the Director of Selective Service and to the extent permitted by law, to cooperate and assist in carrying out the purposes of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Executive Order 8680—Establishing naval defensive sea areas around and naval airspace reservations over the islands of Kiska and Unalaska

SOURCE: The provisions of Executive Order 8680 of Feb. 14, 1941, appear at 6 FR 1014, 3 CFR, 1938-1943 Comp., p. 892, unless otherwise noted.

ALASKA

By virtue of the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), and section 4 of the Air Commerce Act approved May 20, 1926 (44 Stat. 570, U.S.C., title 49, sec. 174), the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding the islands of Kiska and Unalaska are hereby established and reserved as naval defensive sea areas for purposes of national defense, such areas to be known, respectively, as "Kiska Island Naval Defensive Sea Area", and "Unalaska Island Naval Defensive Area"; and the airspaces over the said territorial waters and islands are hereby set apart and reserved as naval airspace reservations for purposes of national defense, such reservations to be known, respectively, as "Kiska Island Naval Airspace Reservation", and "Unalaska Island Naval Airspace Reservation".

At no time shall any person, other than persons on public vessels of the United States, enter either of the naval defensive sea areas herein set apart and reserved, nor shall any vessel or other craft, other than public vessels of the United States, be navigated into either of said areas, unless authorized by the Secretary of the Navy.

At no time shall any aircraft, other than public aircraft of the United States, be navigated into either of the naval airspace reservations herein set apart and reserved, unless authorized by the Secretary of the Navy.

The provisions of the preceding paragraphs shall be enforced by the Secretary of the Navy, with the cooperation of the local law enforce-

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ment officers of the United States and of the Territory of Alaska; and the Secretary of the Navy is hereby authorized to prescribe such regulations as may be necessary to carry out such provisions.

Any person violating any of the provisions of this order relating to the above-named naval defensive sea areas shall be subject to the penalties provided by section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96), and any person violating any of the provisions of this order relating to the above-named naval airspace reservations shall be subject to the penalties prescribed by the Civil Aeronautics Act of 1938 (52 Stat. 973).

This order shall take effect ninety days after date hereof.

[EO 8680 amended by EO 8729 of Apr. 2, 1941, 6 FR 1791, 3 CFR, 1938-1941 Comp., p. 919]

Executive Order 8682—Establishing naval defensive sea areas around and naval airspace reservations over the islands of Palmyra, Johnston, Midway, Wake, and Kingman Reef

SOURCE: The provisions of Executive Order 8682 of Feb. 14, 1941, appear at 6 FR 1015, 3 CFR, 1938-1943 Comp., p. 894, unless otherwise noted.

PACIFIC OCEAN

By virtue of the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), and section 4 of the Air Commerce Act approved May 20, 1926 (44 Stat. 570, U.S.C., title 49, sec. 174), the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding the islands of Palmyra, Johnston, Midway, Wake, and Kingman Reef, in the Pacific Ocean, are hereby established and reserved as naval defensive sea areas for purposes of national defense, such as areas to be known, respectively, as "Palmyra Island Naval Defensive Sea Area", "Johnston Island Naval Defensive Sea Area", "Midway Island Naval Defensive Sea Area", "Wake Island Naval Defensive Sea Area", and "Kingman Reef Naval Defensive Sea Area"; and the airspaces over the said territorial waters and islands are hereby set apart and reserved as naval airspace reservations for purposes of national defense, such reservations to be known, respectively, as "Palmyra Island Naval Airspace Reservation", "Johnston Island Naval Airspace Reservation", "Midway Island Naval Airspace Reservation", "Wake Island Naval Airspace Reservation", and "Kingman Reef Naval Airspace Reservation".

At no time shall any person, other than persons on public vessels of the United States, enter any of the naval defensive sea areas herein set apart and reserved, nor shall any vessel or other craft, other than public vessels of the United States, be navigated into any of said areas, unless authorized by the Secretary of the Navy.

At no time shall any aircraft, other than public aircraft of the United States, be navigated into any of the naval airspace reservations herein set apart and reserved, unless authorized by the Secretary of the Navy.

The provisions of the preceding paragraphs shall be enforced by the Secretary of the Navy, with the cooperation of the local law enforcement officers of the United States and of the Territory of Hawaii; and

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the Secretary of the Navy is hereby authorized to prescribe such regulations as may be necessary to carry out such provisions.

Any person violating any of the provisions of this order relating to the above-named naval defensive sea areas shall be subject to the penalties provided by section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96), and any person violating any of the provisions of this order relating to the above-named naval airspace reservations shall be subject to the penalties prescribed by the Civil Aeronautics Act of 1938 (52 Stat. 973).

This order shall take effect ninety days after date hereof.

[EO 8682 amended by EO 8729 of Apr. 2, 1941, 6 FR 1791, 3 CFR, 1938-1941 Comp., p. 919]

EDITORIAL NOTE: Executive Order 9881 of Aug. 4, 1947, 12 FR 5325, 3 CFR, 1943-1948 Comp., p. 662, discontinued the Palmyra Island Naval Airspace Reservation and the Palmyra Island Naval Defensive Sea Area.

Executive Order 9080—Joint Mexican-United States Defense Commission

SOURCE: The provisions of Executive Order 9080 of Feb. 27, 1942, appear at 7 FR 1607, 3 CFR, 1938-1943 Comp., p. 1102, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and as President of the United States, and acting jointly and in full accord with His Excellency, the President of the Republic of Mexico, I hereby authorize, on the part of the Government of the United States, the creation of a joint commission to be known as the Joint Mexican-United States Defense Commission.

The purposes of the Commission shall be to study problems relating to the common defense of the United States and Mexico, to consider broad plans for the defense of Mexico and adjacent areas of the United States, and to propose to the respective governments the cooperative measures which, in its opinion should be adopted.

The United States membership of the Commission shall consist of an Army member, a Navy member, an Air Force member, and a Marine Corps member, each of whom shall be designated by the Secretary of Defense and serve during the pleasure of the Secretary. The Secretary shall designate from among the United States members the chairman thereof and may designate alternate United States members of the Commission.

The Commission will convene initially at a time and place agreeable to both governments, and may thereafter proceed at any time with its professional and clerical assistants to such place or places in Mexico, with the approval of the Government of Mexico, or in the United States as it may consider desirable or necessary to visit for the accomplishment or its purposes.

The United States members of the Commission, in agreement with their Mexican colleagues, may prescribe their own procedure. They are also empowered to employ such professional and clerical assistants as may be deemed necessary, and to incur such expenses for travel, services, supplies, and other purposes as may be required for the accomplishment of their mission.

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Each of the United States members of the Commission and each of their professional assistants, including civilian advisers and any United States Army, Navy, or Marine Corps officers so employed, detailed, or assigned, shall receive, in lieu of subsistence while outside of the continental limits of the United States in connection with the business of the Commission, a per diem allowance of ten dollars.

All expenses incurred by the United States Section of the Commission shall be paid by Army disbursing officers from allocations to be made to the War Department for that purpose from the Emergency Fund for the President.

[Third paragraph revised by EO 12377 of Aug. 6, 1982, 47 FR 34509, 3 CFR, 1982 Comp., p. 203]

Executive Order 9761—Preservation and display of enemy flags captured by the Navy and the Coast Guard

SOURCE: The provisions of Executive Order 9761 of July 23, 1946, appear at 11 FR 7999, 3 CFR, 1943-1948 Comp., p. 561, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by section 1555 of the Revised Statutes of the United States (5 U.S.C. 418), the Secretary of the Navy is hereby directed to cause all flags, standards, and colors heretofore or hereafter taken by the Navy from the enemies of the United States in war to be deposited, for preservation and display, in the United States Naval Academy at Annapolis, Maryland, under the care of the Superintendent thereof:

Provided, That any such flags, standards, or colors taken by the Coast Guard of the United States while, operating as a part of the Navy pursuant to law or direction of the President shall be deposited, for preservation and display, in the United States Coast Guard Academy at New London, Connecticut, under the care of the Superintendent thereof:

Provided further, That any such flags, standards, or colors so taken by the Marine Corps, and not presently under the care of the Superintendent of the United States Naval Academy, unless otherwise specifically directed by the Secretary of the Navy, shall be deposited, for preservation and display, in the United States Marine Corps Museum at Quantico, Virginia, under the care of the Curator thereof.

[Further proviso added by EO 9796 of Oct. 31, 1946, 11 FR 12923, 3 CFR, 1943-1948 Comp., p. 580]

The order of President James K. Polk dated February 9, 1849, relating to the preservation and display of flags, standards, and colors taken by the Navy of the United States from their enemies in time of war, is hereby superseded.

Executive Order 9902—Establishing a seal for the Department of the Air Force

SOURCE: The provisions of Executive Order 9902 of Nov. 1, 1947, appear at 12 FR 7153, 3 CFR, 1943-1948 Comp., p. 672, unless otherwise noted.

WHEREAS section 207 (g) of the National Security Act of 1947, approved July 26, 1947 (Public Law 253, 80th Congress 1st Session), provides, in part, that the Secretary of the Air Force shall cause a seal of

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office to be made for the Department of the Air Force of such device as the President shall approve; and

WHEREAS the Secretary of the Air Force has caused to be made and has recommended that I approve a seal the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

SHIELD: Per fess nebuly abased azure and argent, in chief a thunderbolt or inflamed proper.

CREST: On a wreath argent and azure an American bald eagle, wings displayed and partially elevated proper in front of a cloud argent.

Encircling the shield and crest an arc of thirteen stars and below the shield the inscription "MCMXLVII".

On a band encircling the whole the inscriptions "Department of the Air Force" and "United States of America".

When illustrating the seal in color the background shall be ultramarine blue, the shield a light blue and white, and the thunderbolt in gold with flames in natural color. The twists of the wreath shall be alternated white and blue, and the eagle shall be in natural color in front of a white cloud. The thirteen stars shall be white, and the Roman numerals shall be gold. The encircling band shall be white edged in gold with black letters.

AND WHEREAS it appears that such seal is of suitable design and is appropriate for establishment as the official seal of the Department of the Air Force:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said section 207 (g) of the National Security Act of 1947, I hereby approve such seal as the official seal of the Department of the Air Force.

This order shall be published in the FEDERAL REGISTER.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 9902, is printed in 3 CFR, 1943-1948 Comp., p. 672.

Executive Order 9979—Prescribing portions of the Selective Service regulations and authorizing the Director of Selective Service to perform certain functions of the President under the Selective Service Act of 1948

SOURCE: The provisions of Executive Order 9979 of July 20, 1948, appear at 13 FR 4117, 3 CFR, 1943-1948 Comp., p. 713, unless otherwise noted.

By virtue of the authority vested in me by title I of the Selective Service Act of 1948, approved June 24, 1948, it is ordered as follows:

The Director of Selective Service is hereby authorized to appoint, and to fix, in accordance with the Classification Act of 1923, as amended, the compensation of, State Directors of Selective Service and to appoint members of local boards, members of appeal boards, medical advisors to the State Directors of Selective Service, medical advisors to the local boards, government appeal agents, and associate government appeal agents provided for in Part 604, *Selective Service Officers*, of the Selective Service Regulations.

[EO 9979 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

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Executive Order 10007—Organization of the reserve units of the armed forces

SOURCE: The provisions of Executive Order 10007 of Oct. 15, 1948, appear at 13 FR 6099, 3 CFR, 1943-1948 Comp., p. 824, unless otherwise noted.

WHEREAS it is the traditional national security policy of the United States to place great reliance in organized citizens' forces supporting regular armed forces of the minimum size consistent with national defense; and

WHEREAS the national security requires that reserve components of appropriate strength and maximum effectiveness exist throughout the Nation; and

WHEREAS it is essential that the trained citizens who have completed a period of service in the armed forces continue to be available to the Nation:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces, it is hereby ordered as follows:

1. The Secretary of Defense, and the head of each department in the National Military Establishment, shall proceed without delay, utilizing every practicable resource of the regular components of the armed forces, to organize all reserve component units, and to train such additional individuals now or hereafter members of the active reserve, as may be required for the national security; and to establish vigorous and progressive programs of appropriate instruction and training for all elements of the reserve components, including the National Guard.

2. The Secretary of Defense shall within 60 days after the date of this order submit to the President a report showing the action which has been taken by the National Military Establishment in respect hereof, and any proposed legislation or other measures deemed necessary or appropriate in the interest of the maximum effectiveness of the reserve components of the armed forces.

3. Every citizen is urged to do his utmost in aiding the development of effective reserve components of our armed forces, and every person who is a member of a reserve component of the armed forces or who is qualified to become one is urged to take an active part in building up the strong and highly trained reserve forces which are so vital to the defense of the United States.

Executive Order 10271—Delegating the authority of the President to order members and units of Reserve components of the Armed Forces into active Federal service

SOURCE: The provisions of Executive Order 10271 of July 7, 1951, appear at 16 FR 6659, 3 CFR, 1949-1953 Comp., p. 775, unless otherwise noted.

By virtue of the authority vested in me by section 10 (c) of the Universal Military Training and Service Act (62 Stat. 621), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training

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and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress), to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended, as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

Executive Order 10295—Establishing a seal for the United States Court of Military Appeals

SOURCE: The provisions of Executive Order 10295 of Sept. 28, 1951, appear at 16 FR 10011, 3 CFR, 1949-1953 Comp., p. 825, unless otherwise noted.

WHEREAS the United States Court of Military Appeals has caused to be made and has recommended that I approve a seal of office for the United States Court of Military Appeals, the design of which accompanies and is hereby made a part of this order, and which is of the following description:

In front of a silver sword, point up, a gold and silver balance supporting a pair of silver scales, encircled by an open wreath of oak leaves, green with gold acorns; all on a grey blue background and within a dark blue band edged in gold and inscribed "UNITED STATES COURT OF MILITARY APPEALS" in gold letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the United States Court of Military Appeals:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the United States Court of Military Appeals.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10295, is printed in 3 CFR, 1949-1953 Comp., p. 826.

Executive Order 10434—Suspension of wage and salary controls under the Defense Production Act of 1950, as amended

SOURCE: The provisions of Executive Order 10434 of Feb. 6, 1953, appear at 18 FR 809, 3 CFR, 1949-1953 Comp., p. 929, unless otherwise noted.

WHEREAS the production of materials and services and the demand therefor in the national economy are approaching a practicable balance; and

WHEREAS the earliest possible return to freedom of collective bargaining in the determination of wages will serve to strengthen the national economy and thereby the national security; and

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WHEREAS the stabilization of wages, salaries, and other compensation is not now necessary to carry out the purposes of the Defense Production Act; and

WHEREAS, in view of the foregoing, it is appropriate to permit adjustments of wages, salaries, and other compensation arrived at through the processes of free collective bargaining or other voluntary action to become effective:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, as amended, and as President of the United States, it is hereby ordered as follows:

1. All regulations and orders issued pursuant to the Defense Production Act of 1950, as amended, stabilizing wages, salaries, and other compensation, are hereby suspended.

2. The wage, salary, and other compensation adjustments proposed in petitions pending before wage and salary control agencies may now be placed in effect without the approval of such agencies. To the extent that agreements involved in such petitions are conditioned upon approval under Title IV of the Defense Production Act, this order shall be deemed such approval, but such approval shall be subject to paragraph 3 hereof.

3. This order shall not operate to defeat any suit, action, prosecution, or administrative enforcement proceeding, whether heretofore or hereafter commenced, with respect to any right, liability, or offense possessed, incurred, or committed, prior to this date.

Executive Order 10480—Further providing for the administration of the defense mobilization program

SOURCE: The provisions of Executive Order 10480 of Aug. 14, 1953, appear at 18 FR 4939, 3 CFR, 1949-1953 Comp., p. 962, unless otherwise noted.

CROSS REFERENCE: Section 3 of Executive Order 11725 of June 27, 1973, 38 FR 17175, 3 CFR, 1970-1975 Comp., p. 779, which was revoked by EO 12148 of July 20, 1979, Chapter 44, p. 881, transferred certain functions under Executive Order 10480 to the Administrator of General Services.

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. GENERAL DIRECTION OF PROGRAM

SECTION 101. (a) The Director of the Federal Emergency Management Agency shall, on behalf of the President, coordinate all mobilization activities of the executive branch of the Government, including all such activities relating to production, procurement, manpower, stabilization, and transport. Every officer and agency of the Government having functions under the Defense Production Act of 1950, as amended, delegated, redelegated, or otherwise assigned thereto by or under the authority of the President after the date of this order (whether heretofore or hereafter acquired, or acquired by this order) shall perform

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the said functions subject to the direction and control of the Director of the Federal Emergency Management Agency.

(b) In carrying out the functions conferred upon him by this order, the Director of the Federal Emergency Management Agency shall, among other things:

(1) Perform the central programming functions incident to the determination of the production programs required to meet defense needs.

(2) Make determinations as to the provision of adequate facilities for defense production and as to the procedure and methods followed by agencies of the Government with respect to the accomplishments of defense production programs.

(3) Be the certifying authority for the purposes of and within the meaning of subsections (e) and (g) of Section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950.

(4) Issue such directives, consonant with law, on policy and program to officers and agencies of the Government for execution by them as may be necessary to carry out the functions assigned to him by this order, and resolve interagency issues which otherwise would require the attention of the President.

(5) Report to the President from time to time concerning his operations under this order.

[Sec. 101 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 102. [Revoked]

[Sec. 102 revoked by EO 10773 of July 1, 1958, 23 FR 5061, 3 CFR, 1954-1958 Comp., p. 416]

PART II. PRIORITIES AND ALLOCATIONS

SEC. 201. (a) The functions conferred upon the President by Title I of the Defense Production Act of 1950, as amended, are hereby delegated to the Director of the Federal Emergency Management Agency, who shall, in carrying out the said functions, provide by redelegation or otherwise for their performance, subject to the provisions of section 101 of this order, by

(1) The Secretary of the Interior with respect to petroleum, gas, solid fuels and electric power.

(2) The Secretary of Agriculture with respect to food and with respect to the domestic distribution of farm equipment and commercial fertilizer.

(3) The Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car-service functions of the Commission as set forth in paragraphs 10 to 17, inclusive, of section 1 of the Interstate Commerce Act, as amended with respect to domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping.

(4) The Secretary of Commerce with respect to all other materials and facilities.

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(b) Findings made under or pursuant to and for the purposes of section 101(b) of the Act shall not be effective until approved by the Director of the Federal Emergency Management Agency.

[Sec. 201 amended by EO 10537 of June 22, 1954, 19 FR 3807, 3 CFR, 1954-1958 Comp., p. 195; EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART III. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

SEC. 301. The Department of Defense, the Atomic Energy Commission,¹ the Department of Commerce, the Department of the Interior, the Department of Agriculture, the General Services Administration, and the National Aeronautics and Space Administration, in this Part referred to as guaranteeing agencies, each officer having functions delegated to him pursuant to section 201(a) of this order, and each other agency of the Government having mobilization functions, shall, within areas of production designated by the Director of the Federal Emergency Management Agency, develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense.

[Sec. 301 amended by EO 10819 of May 8, 1959, 24 FR 3779, 3 CFR, 1959-1963 Comp., p. 352; EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 302. (a) Each guaranteeing agency is hereby authorized, in accordance with section 301 of the Defense Production Act of 1950, as amended, subject to the provisions of this section, in order to expedite production and deliveries or services under Government contracts, and without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States, of any contract made for the national defense; but no small business concern (as defined in section 714(a)(1) of the said Act) shall be held ineligible for the issuance of such a guaranty by reason of alternative sources of supply.

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

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(b) Each Federal Reserve Bank is hereby designated and authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of section 301 of the said Act, as amended, in respect to private financing institutions.

(c) All actions and operations of Federal Reserve Banks, under authority of or pursuant to section 301 of the said Act, as amended, shall be subject to the supervision of the Board of Governors of the Federal Reserve System. Said Board is hereby authorized, after consultation with the heads of the guaranteeing agencies, (1) to prescribe such regulations governing the actions and operations of fiscal agents hereunder as it may deem necessary, (2) to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents, and (3) to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

SEC. 303. The Administrator of General Services is hereby authorized and directed to purchase and make commitments to purchase metals, minerals, and other materials, for Government use or resale, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended: *Provided*, That the Secretary of Agriculture may also exercise the said functions under section 303 of the said Act, as amended, with respect to food, and with respect to plant fibers (except abaca) not included in the definition of food to the extent that the procurement of such fibers involves the encouragement and development of sources of supply within the United States and its Territories and possessions.

SEC. 304. The Director of the Federal Emergency Management Agency is hereby authorized and directed to encourage the exploration, development, and mining of critical and strategic minerals and metals, and to make provision for the development of substitutes for strategic and critical materials, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended.

[Sec. 304 amended by EO 10662 of Mar. 13, 1956, 21 FR 1673, 3 CFR, 1954-1958 Comp., p. 318; EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 305. The Director of the Federal Emergency Management Agency is hereby authorized and directed to make subsidy payments, to determine the amounts, manner, terms, and conditions thereof, and to make findings, as authorized by and subject to the provisions of section 303(c) of the Defense Production Act of 1950, as amended.

[Sec. 305 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 306. The functions conferred upon the President by section 303(e) of the Defense Production Act of 1950, as amended, with respect to the installation of additional equipment, facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and with respect to the installation of

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Government-owned equipment in plants, factories, and other industrial facilities owned by private persons, are hereby delegated to the Administrator of General Services.

SEC. 307. The functions conferred upon the President by section 303(f) of the Defense Production Act of 1950, as amended, with respect to transfers to the stockpile referred to in the said section, are hereby delegated to the Director of the Federal Emergency Management Agency.

[Sec. 307 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 308. The authority conferred upon the President by section 304(b) of the Defense Production Act of 1950, as amended, to approve borrowing from the Treasury of the United States is hereby delegated to the Director of the Federal Emergency Management Agency.

[Sec. 308 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 309. All functions provided for in sections 303 to 307, inclusive, and in sections 310 and 311 of this order, shall be carried out within such amounts of funds as may be made available pursuant to the Defense Production Act of 1950, as amended.

SEC. 310. (a) The Secretary of the Treasury, hereafter in this section referred to as the Secretary, is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, exclusive of such expansion, development and production in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended. The functions assigned to the Secretary by this section include the administration and servicing of all loans (including participations in, or guarantees of, loans) made by the Reconstruction Finance Corporation prior to September 29, 1953, pursuant to the said section 302.

(b) Loans under section 310(a) hereof (1) shall be made upon such terms and conditions as the Secretary shall determine, (2) shall be made only after the Secretary has determined in each instance that financial assistance is not available on reasonable terms from private sources or from other governmental sources, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Federal Emergency Management Agency.

(c) Applications for loans under section 310(a) hereof shall be received from applicants by the Secretary or by such agencies of the Government as the Secretary shall designate for this purpose.

[Sec. 310 amended by EO 10489 of Sept. 26, 1953, 18 FR 6201, 3 CFR, 1949-1953 Comp., p. 972; EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

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SEC. 311. (a) The Export-Import Bank of Washington ¹ is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises, for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, in those cases where such expansion, development or production is carried on in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended.

(b) Loans under section 311(a) hereof (1) shall be made upon such terms and conditions as the said Bank shall determine, (2) shall be made only after the Bank has determined in each instance that financial assistance is not available on reasonable terms from private sources and that the loan involved cannot be made under the provisions of and from funds available to the Bank under the Export-Import Bank Act of 1945, as amended, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Federal Emergency Management Agency.

(c) Applications for loans under section 311(a) hereof shall be received from applicants by the said Bank or by such agencies of the Government as the Bank shall designate for this purpose.

[Sec. 311 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 312. The functions conferred by sections 303, 305 and 306 of this order shall be carried out in accordance with programs certified by the Director of the Federal Emergency Management Agency. Each officer and agency of the Government having mobilization functions shall make recommendations to the Director of the Federal Emergency Management Agency for the issuance of certificates or other action under sections 302 and 303 of the Defense Production Act of 1950, as amended, and for the issuance of certificates under subsections (e) and (g) of section 168 of the Internal Revenue Code of 1954, with respect to the materials and facilities which are, pursuant to the designation of areas of production by the Director of the Federal Emergency Management Agency under section 301 of this order, as amended, within the jurisdiction of such officer or agency.

[Sec. 312 amended by EO 10574 of Nov. 5, 1954, 19 FR 7249, 3 CFR, 1954-1958 Comp., p. 212; EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 313. The Director of the Federal Emergency Management Agency is hereby authorized and directed to submit to the Congress the reports required by the second proviso of section 304(b) of the Defense Production Act of 1950, as amended.

[Sec. 313 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

¹ EDITORIAL NOTE: Redesignated as the Export-Import Bank of the United States by Pub. L. 90-267 (82 Stat. 47, 12 U.S.C. 635 nt.).

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PART IV. LABOR SUPPLY

SEC. 401. The Secretary of Labor shall utilize the functions vested in him so as to meet most effectively the labor needs of defense industry and essential civilian employment, and to this end he shall:

(a) Assemble and analyze information on, and make a continuing appraisal of, the nation's labor requirements for defense and other activities and the supply of workers. All agencies of the Government shall cooperate with the Secretary in furnishing information necessary for this purpose.

(b) Consult with and advise each delegate of the Director of the Federal Emergency Management Agency referred to in section 201(a) of this order and each official of the Government exercising guarantee or loan functions under Part III of this order concerning (1) the effect of contemplated actions on labor supply and utilization, (2) the relation of labor supply to materials and facilities requirements, (3) such other matters as will assist in making the exercise of priority and allocations functions consistent with effective utilization and distribution of labor.

(c) Formulate plans, programs, and policies for meeting defense and essential civilian labor requirements.

(d) Utilize the public employment service system, and enlist the cooperation and assistance of management and labor to carry out these plans and programs and accomplish their objectives.

(e) Determine the occupations critical to meeting the labor requirements of defense and essential civilian activities and with the Secretary of Defense, the Director of Selective Service, and such other persons as the Director of the Federal Emergency Management Agency may designate develop policies applicable to the induction and deferment of personnel for the armed services, except for civilian personnel in the reserves.

[Sec. 401 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

PART V. VOLUNTARY AGREEMENTS

SEC. 501. (a) The functions conferred upon the President by section 708(c)(1) and (d) of the Defense Production Act, as amended, are hereby delegated to the Director of the Federal Emergency Management Agency and, subject to the provisions of section 101 of this order, to the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Transportation, except that for the purposes of carrying out the objectives of Title I of the Act, the authority granted in section 708(c)(1) of the Act shall be exercised only by the Director of the Federal Emergency Management Agency.

(b) The functions conferred upon the President by section 708(d) of the Defense Production Act and delegated under section 501(a) of this order, relating to the establishment of advisory committees, shall be exercised only after consultation with, and in accordance with guidelines and procedures established by, the Director of the Office of Management and Budget.

[Sec. 501 amended by EO 11956 of Jan. 13, 1977, 42 FR 2947, 3 CFR, 1977 Comp., p. 78; EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

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PART VI. GENERAL PROVISIONS

SEC. 601. As used in this order:

(a) The term "functions" includes powers, duties, authority, responsibilities and discretion.

(b) The term "materials" includes raw materials, articles, commodities, products, supplies, components, technical information, and processes, but excludes fissionable materials as defined in the Atomic Energy Act of 1946.

(c) The term "petroleum" shall mean crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for the movement thereof.

(d) The term "gas" shall mean natural gas and manufactured gas, including pipelines for the movement thereof.

(e) The term "solid fuels" shall mean all forms of anthracite, bituminous, subbituminous, and lignitic coals; coke; and coal chemicals.

(f) The term "electric power" shall mean all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(g) The term "metals and minerals" shall mean all raw materials of mineral origin, including their refining and processing but excluding their fabrication.

(h) The term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(i) The term "farm equipment" shall mean equipment manufactured for use on farms in connection with the production or processing of food.

(j) The term "fertilizer" shall mean fertilizer in form for distribution to the users thereof.

(k) The term "domestic transportation, storage, and port facilities" shall include locomotives, cars, motor vehicles, watercraft used on inland waterways, in harbors, and on the Great Lakes, and other vehicles, vessels, and all instrumentalities of shipment or carriage, irrespective of ownership, and all services in or in connection with the carriage of persons or property in intrastate, interstate, or foreign commerce within the United States, its Territories and possessions, and the District of Columbia, except movement of petroleum and gas by pipeline; and warehouses, piers, docks, wharves, loading and unloading equipment, and all other structures and facilities used in connection with the transshipment of persons and property between domestic carriers and carriers engaged in coastwise, intercoastal, and overseas transportation.

SEC. 602. (a) Except as otherwise provided in section 602(c) of this order, each officer or agency of the Government having functions under the Defense Production Act of 1950, as amended, delegated or

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assigned thereto by or pursuant to this Executive order may exercise and perform, with respect to such functions, the functions vested in the President by Title VII of the said Act.

(b) The functions which may be exercised and performed pursuant to the authority of section 602(a) of this order shall include, but not by way of limitation, (1) except as otherwise provided in section 708(c) of the Defense Production Act of 1950, as amended, the power to redelegate functions, and to authorize the successive redelegation of functions, to agencies, officers, and employees of the Government, (2) the power to create an agency or agencies, under the jurisdiction of the officer concerned, to administer functions delegated or assigned by or pursuant to this order, and (3) in respect of Part II of this order, the power of subpoena: *Provided*, That the subpoena power shall be utilized only after the scope and purpose of the investigation, inspection, or inquiry to which the subpoena relates have been defined either by the appropriate officer referred to in section 602(a) of this order or by such other person or persons as he shall designate.

(c) There are excluded from the functions delegated by section 602(a) of this order (1) the functions delegated by Part V of this Order, (2) the functions of the President with respect to regulations under section 710 (b), (c), (d) and (e) of the Defense Production Act of 1950, as amended, and (3) the functions of the President with respect to fixing compensation under section 703(a) of the said Act.

(d) (1) The functions conferred upon the President by Section 309 of the Defense Production Act, as amended, with respect to the preparation and submission of reports to the Congress concerning offsets shall be performed by the Director of the Office of Management and Budget (OMB). The Director may further delegate to the heads of Executive departments and agencies responsibility for preparing and submitting for his review particular sections of such reports. The heads of Executive departments and agencies shall, to the extent provided by law, provide the Director with such information as may be necessary for the effective performance of these functions.

(2) In order to ensure that information gathered pursuant to this authority shall be subject to appropriate confidentiality protections, the Bureau of Economic Analysis of the United States Department of Commerce, which previously has been designated a 'central collecting agency' in gathering this information under 44 U.S.C. 3509, is authorized pursuant to Section 705 of the Defense Production Act, as amended, to collect the information required for compilation of the data base to be used in preparation of the reports to Congress required by Section 309 of the Defense Production Act.

[Sec. 602 amended by EO 10662 of Mar. 13, 1956, 21 FR 1673, 3 CFR, 1954-1958 Comp., p. 318; EO 12521 of June 24, 1985, 50 FR 26335, 3 CFR, 1985 Comp., p. 374; EO 12649 of Aug. 11, 1988, 53 FR 30639, 3 CFR, 1988 Comp., p. 579]

SEC. 603. All agencies of the Government (including, as used in this order, departments, establishments, and corporations) shall furnish to each officer of the Government to whom functions under the Defense Production Act of 1950, as amended, are delegated or assigned by or pursuant to this order such information relating to defense production or procurement, or otherwise relating to the said functions, delegated

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or assigned to such officer by or pursuant to this order as may be required to perform those functions.

SEC. 604. The Defense Materials Procurement Agency established by Executive Order No. 10281 of August 28, 1951 (16 FR 8789), is hereby abolished and the personnel, records, property, and unexpended balances of appropriations, allocations and other funds thereof shall be transferred from it to the General Services Administration for use in connection with the functions assigned or delegated to the Administrator of General Services by or pursuant to this order or for purposes of liquidation, as the said Administrator shall determine.

SEC. 605. The Economic Stabilization Agency, established by Executive Order 10161 of September 9, 1950, is continued to October 31, 1953, under the direction of the Director of the Office of Defense Mobilization who shall serve *ex officio* as the Economic Stabilization Administrator for the purpose of winding up and liquidating the affairs of said Agency.

SEC. 606. All orders, regulations, rulings, certificates, directives and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority, and nothing in this order shall affect the validity or force of anything heretofore done under previous delegations or other assignment of authority under the Defense Production Act of 1950 as amended.

SEC. 607. The following are superseded or revoked:

- (1) Executive Order No. 10161 of September 9, 1950 (15 FR 6105).
- (2) Executive Order No. 10169 of October 11, 1950 (15 FR 6901).
- (3) Executive Order No. 10193 of December 16, 1950 (15 FR 9031).
- (4) Executive Order No. 10200 of January 3, 1951 (16 FR 61).
- (5) Executive Order No. 10223 of March 10, 1951 (16 FR 2247).
- (6) Executive Order No. 10281 of August 28, 1951 (16 FR 8789).
- (7) Executive Order No. 10324 of February 6, 1952 (17 FR 1171).
- (8) Executive Order No. 10359 of June 9, 1952 (17 FR 5269).
- (9) Executive Order No. 10373 of July 14, 1952 (17 FR 6425).
- (10) Executive Order No. 10377 of July 25, 1952 (17 FR 6891).
- (11) Executive Order No. 10390 of August 30, 1952 (17 FR 7995).
- (12) Executive Order No. 10433 of February 4, 1953 (18 FR 761).
- (13) Executive Order No. 10467 of June 30, 1953 (18 FR 3777).

SEC. 608. To the extent that any provision of any prior Executive Order (including Executive Order No. 10461 of June 17, 1953 (18 FR 3513)) is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly. The following designated orders, modified as required to conform them to the provisions of this order, shall remain in effect:

Executive Order No. 10182 of November 21, 1950 (15 FR 8013), as amended by

Executive Order No. 10205 of January 16, 1951 (16 FR 419).

Executive Order No. 10219 of February 28, 1951 (16 FR 1983).

Executive Order No. 10224 of March 15, 1951 (16 FR 2543).

SEC. 609. Effective October 1, 1977, the Secretary of Energy shall exercise all authority and discharge all responsibility herein delegated to or conferred upon (a) the Atomic Energy Commission, and (b) with respect to petroleum, gas, solid fuels and electric power, upon the Secretary of the Interior.

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[Sec. 609 added by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 610. Whenever the Director, Federal Emergency Management Agency, believes that the functions of an Executive agency have been modified pursuant to law in such manner as to require the amendment of any Executive order which relates to the assignment of emergency preparedness functions or the administration of mobilization programs, he shall promptly submit any proposals for the amendment of such Executive orders to the Director of the Office of Management and Budget in accordance with the provisions of Executive Order No. 11030, as amended.

[Sec. 610 added by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136; amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

EDITORIAL NOTE: The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90-608 (82 Stat. 1194). The Office of Emergency Preparedness was abolished by Reorganization Plan No. 1 of 1973, 38 FR 9579, 3 CFR, 1971-1975 Comp., p. 1157, effective July 1, 1973, and certain functions were transferred to the Administrator of General Services by EO 11725 of June 27, 1973, 38 FR 17175, 3 CFR, 1971-1975 Comp., p. 779, which was revoked by EO 12148 of July 20, 1979, Chapter 44, p. 881.

Executive Order 10538—Establishing a seal for the United States Marine Corps

SOURCE: The provisions of Executive Order 10538 of June 22, 1954, appear at 19 FR 3827, 3 CFR, 1954-1958 Comp., p. 195, unless otherwise noted.

WHEREAS the Commandant of the United States Marine Corps with approval of the Secretary of the Navy has caused to be made, and the Department of Defense has recommended that I approve, a seal for the United States Marine Corps, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

Standing upon the western hemisphere of the terrestrial globe containing the lines of latitude and topographical outlines of North, Central, and South America, an American bald eagle with wings displayed horizontally and inverted holding in his beak a scroll inscribed with the motto "SEMPER FIDELIS", all bronze. Behind the western hemisphere a foul anchor bend sinister-wise with stock, arms, and flukes in slight perspective, all bronze, on a scarlet background and within a dark blue band edged in gold circumscribed by a gold rope rim and inscribed "DEPARTMENT OF THE NAVY • UNITED STATES MARINE CORPS" in gold letters. The central device of the seal is the emblem of the United States Marine Corps;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the United States Marine Corps:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the United States Marine Corps.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10538, is printed in 3 CFR, 1954-1958 Comp., p. 195.

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Executive Order 10646—Designating the Secretary of Defense to coordinate and facilitate actions required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955

SOURCE: The provisions of Executive Order 10646 of Nov. 22, 1955, appear at 20 FR 8681, 3 CFR, 1954-1958 Comp., p. 281, unless otherwise noted.

By virtue of the authority vested in me by section 201 of the Federal Voting Assistance Act of 1955 (69 Stat. 585), and as President of the United States, it is ordered as follows:

1. The Secretary of Defense is hereby designated as the official to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955.

2. In order to effectuate the purposes of the said act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this order to any person or persons within the Department of Defense.

Executive Order 10661—Delegating to certain officers of the Government the authority vested in the President to designate persons from foreign countries who may be permitted to receive instruction at the Military, Naval, Air Force, and Merchant Marine Academies

SOURCE: The provisions of Executive Order 10661 of Feb. 27, 1956, appear at 21 FR 1315, 3 CFR, 1954-1958 Comp., p. 318, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense, and, when designated by the Secretary of Defense for such purpose, the Secretary of the Army are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the first section of the act of June 26, 1946, ch. 493, 60 Stat. 311, as amended (10 U.S.C. 1093c), to designate persons from the American Republics (other than the United States) and Canada who may be permitted to receive instruction at the United States Military Academy at West Point, New York.

SEC. 2. The Secretary of Defense, and, when designated by the Secretary of Defense for such purpose, the Secretary of the Navy are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following-described authority to designate persons who may be permitted to receive instruction at the United States Naval Academy at Annapolis, Maryland:

(a) The authority vested in the President by the act of July 14, 1941, ch. 292, 55 Stat. 589, as amended (34 U.S.C. 1036-1), with respect to persons from the American Republics (other than the United States) and Canada.

(b) The authority vested in the President by the act of June 24, 1948, ch. 616, 62 Stat. 583 (34 U.S.C. 1036-2), with respect to Filipinos.

SEC. 3. The Secretary of Defense, and, when designated by the Secretary of Defense for such purpose, the Secretary of the Air Force are

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hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the first section of the said act of June 26, 1926, as made applicable to the United States Air Force Academy by section 5 of the act of April 1, 1954, ch. 127, 68 Stat. 48 (10 U.S.C. 1854), to designate persons from the American Republics (other than the United States) and Canada who may be permitted to receive instruction at the United States Air Force Academy.

SEC. 4. The Secretary of Commerce is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the act of August 9, 1946, ch. 928, 60 Stat. 961 (46 U.S.C. 1126b), to designate persons from the American Republics (other than the United States) who may be permitted to receive instruction in the United States Merchant Marine Cadet Corps and at the United States Merchant Marine Academy at Kings Point, New York.

SEC. 5. No persons shall be designated under the authority of this order to receive instruction except after consultation by the designating officer with the Secretary of State.

Executive Order 10670—Establishing a flag for the United States Army

SOURCE: The provisions of Executive Order 10670 of June 12, 1956, appear at 21 FR 4069, 3 CFR, 1954-1958 Comp., p. 324, unless otherwise noted.

WHEREAS the Secretary of the Army has adopted, and has recommended that I approve, an official flag for the United States Army, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

UNITED STATES ARMY FLAG—The flag for the United States Army is 4 feet 4 inches hoist by 5 feet 6 inches fly, of white silk or rayon, with yellow fringe, 2½ inches wide. In the center of the flag is the central design of the seal of the Department of the Army (without the Roman numerals) in ultramarine blue, above a scarlet scroll with the designation "UNITED STATES ARMY" in white, and beneath the scroll are the Arabic numerals "1775";

AND WHEREAS it appears that such flag is of suitable design and appropriate for adoption as the official flag of the United States Army:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such flag as the official flag of the United States Army.

On such official flags of the United States Army as the Secretary of the Army may designate, there shall be displayed below the spearhead of the flagstaff one streamer for each of the officially recognized campaigns in which the United States Army has participated. There shall be embroidered on each streamer the name of the campaign and the year in which it occurred.

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Executive Order 10694—Authorizing the Secretaries of the Army, Navy, and Air Force to issue citations in the name of the President of the United States to military and naval units for outstanding performance in action

SOURCE: The provisions of Executive Order 10694 of Jan. 10, 1957, appear at 22 FR 253, 3 CFR, 1954-1958 Comp., p. 355, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretaries of the Army, the Navy, and the Air Force, respectively, are hereby authorized to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any organization, detachment, installation, ship, aircraft, or other unit for outstanding performance in action on or after October 16, 1941, in the case of the Navy or Marine Corps, and on or after December 7, 1941, in the case of the Army or the Air Force. Such citations may also be issued to units of armed forces of cobelligerent nations, serving with the armed forces of the United States for outstanding performance in action on or after December 7, 1941; provided that such units shall meet the standards established for the armed forces of the United States.

2. Appropriate insignia of such form and design as may be determined by the Secretary concerned may be displayed by any organization, detachment, installation, ship, aircraft, or other unit to which such citation is issued.

3. After any unit is cited pursuant to paragraph 1 hereof for outstanding performance in action, a ribbon identifying such citation shall be issued and shall become a permanent part of the uniform of those persons assigned or attached thereto who were actually present and participated in the action for which the unit was cited, or in one of the actions if more than one action is mentioned in the citation, whether they thereafter serve with such unit or with a different unit. Such persons are authorized to wear an appropriate additional device for any subsequent citation for which they are eligible, made either to the same unit or to a unit to which they are subsequently assigned. If authorized by the Secretary concerned, persons assigned to a unit subsequent to an action for which it was cited, may wear the citation ribbon while so assigned.

4. This order supersedes Executive Orders No. 9050 of February 6, 1942, and No. 9396 of November 22, 1943.

Executive Order 10736—Adopting an official seal for the Department of the Navy

SOURCE: The provisions of Executive Order 10736 of Oct. 23, 1957, appear at 22 FR 8411, 3 CFR, 1954-1958 Comp., p. 394, unless otherwise noted.

WHEREAS the Secretary of the Navy, with the approval of the Secretary of Defense, has caused to be made, and has recommended that I approve, a seal for the Department of the Navy, the design of which accompanies and is hereby made a part of this order and which is described, in heraldic terms, as follows:

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On a circular background of fair sky and moderate sea with land in sinister base, a three-masted square-rigged ship under way before a fair breeze with after topsail furled, commission pennant atop the foremast, National Ensign atop the main, and the commodore's flag atop the mizzen. In front of the ship a Luce-type anchor inclined slightly bendwise with the crown resting on the land and, in front of the shank and in back of the dexter fluke, an American bald eagle rising to sinister regarding to dexter, one foot on the ground, the other resting on the anchor near the shank; all in proper colors. The whole within a blue annulet bearing the inscription "DEPARTMENT OF THE NAVY" at the top and "UNITED STATES OF AMERICA" at the bottom, separated on each side by a mullet and within a rim in the form of a rope; inscription, rope, mullet, and edges of annulet all gold;

AND WHEREAS the central device of the seal is essentially the same as that used for more than one hundred years and reflects the denomination given in the act of April 30, 1798, which officially established the Department of the Navy; and

WHEREAS it appears that this seal is of suitable design and appropriate for use as the official seal of the Department of the Navy:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve this seal as the official seal of the Department of the Navy.

Executive Order 10812—Establishing a flag for the United States Navy

SOURCE: The provisions of Executive Order 10812 of Apr. 24, 1959, appear at 24 FR 3265, 3 CFR, 1959-1963 Comp., p. 335, unless otherwise noted.

WHEREAS the Secretary of the Navy, with the approval of the Secretary of Defense, has adopted, and has recommended that I approve, an official flag for the United States Navy, the design of which accompanies and is hereby made a part of this order,¹ and which is described as follows:

United States Navy Flag. The flag for the United States Navy is 4 feet 4 inches hoist by 5 feet 6 inches fly, of dark blue material, with yellow fringe, 2½ inches wide. In the center of the flag is a device 3 feet 1 inch overall consisting of the inner pictorial portion of the seal of the Department of the Navy (with the exception that a continuation of the sea has been substituted for the land area), in its proper colors within a circular yellow rope edging, all 2 feet 6 inches in diameter above a yellow scroll inscribed "UNITED STATES NAVY" in dark blue letters;

AND WHEREAS it appears that such flag is of suitable design and appropriate for adoption as the official flag of the United States Navy:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such flag as the official flag of the United States Navy.

Executive Order 11048—Administration of Wake Island and Midway Island

SOURCE: The provisions of Executive Order 11048 of Sept. 4, 1962, appear at 27 FR 851, 3 CFR, 1959-1963 Comp., p. 632, unless otherwise noted.

¹ EDITORIAL NOTE: The design, which was made a part of the original document, was not printed with the document in the FEDERAL REGISTER.

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By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—WAKE ISLAND¹

SECTION 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

PART II—MIDWAY ISLAND

SEC. 201. The Secretary of the Navy shall be responsible for the civil administration of Midway Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Midway Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Navy.

SEC. 202. The executive, legislative, and judicial authority provided for in section 201 of this order shall be exercised through such agency or agencies of the Navy Department, or through such officers or employees under the jurisdiction of the Secretary of the Navy, as the Secretary may direct or authorize, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 203. Such public lands on the Midway Islands, Hawaiian group, between the parallels of 28° 5' and 28° 25' North latitude, and between the meridians of 177° 10' and 177° 30' West longitude, as were placed under the jurisdiction and control of the Navy Department by the pro-

¹ EDITORIAL NOTE: On June 24, 1972, the Department of the Air Force assumed responsibility for the civil administration of Wake Island pursuant to an agreement between the Department of the Interior and the Department of the Air Force. See 32 CFR Part 935.11.

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visions of Executive Order No. 199-A of January 20, 1903, are hereby continued under the jurisdiction and control of that Department. Executive Order No. 199-A is hereby superseded.

PART III—MISCELLANEOUS PROVISIONS

SECTION 301. The provisions of each of the foregoing Parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

SEC. 302. As used herein, the terms "Wake Island" and "Midway Island" include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

SEC. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

SEC. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

Executive Order 11623—Delegating to the Director of Selective Service authority to issue rules and regulations under the Military Selective Service Act

SOURCE: The provisions of Executive Order 11623 of Oct. 12, 1971, appear at 36 FR 19963, 3 CFR, 1971-1975 Comp., p. 614, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 *et seq.*, hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of Selective Service (hereinafter referred to as the Director) is authorized to prescribe the necessary rules and regulations to carry out the provisions of the Act. Regulations heretofore issued by the President to carry out such provisions shall continue in effect until amended or revoked by the Director pursuant to the authority conferred by this Order.

SEC. 2. (a) In carrying out the provisions of this Order, the Director shall cause any rule or regulation which he proposes to issue hereunder to be published in the FEDERAL REGISTER as required by section 13(b) of the Act. Prior to such publication, the Director shall request the views of the Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation (when the Coast Guard is serving under the Department of Transportation), the Director of the Office of Emergency Preparedness, and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow

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not less than 10 days for the submission of such views before publication of the proposed rule or regulation.

(b) Any proposed rule or regulation as published by the Director shall be furnished to the officials required to be consulted pursuant to subsection (a). The Director may (not less than 30 days after publication in the FEDERAL REGISTER) issue such rule or regulation as published unless, within 10 days after being furnished with the proposed rule or regulation as published, any such official shall notify the Director that he disagrees therewith and requests that the matter be referred to the President for decision.

(c) Any rule or regulation issued by the Director pursuant to this Order shall be published in the FEDERAL REGISTER with (1) a statement reciting compliance with the prepublication requirement of section 13(b) of the Act, and (2) either (i) approval of such rule or regulation by the President, or (ii) a certification of the Director that he has requested the views of the officials required to be consulted pursuant to subsection (a) and that none of them has timely requested that the matter be referred to the President for decision. Such rule or regulation shall be effective upon such publication in the FEDERAL REGISTER or on such later date as may be specified therein.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. Nothing in this Order shall be deemed to (i) authorize the exercise by the Director of the President's authority to waive the requirements of section 13(b) of the Act, or (ii) derogate from the authority of the President himself to waive the requirements of such section 13(b), or (iii) derogate from the authority of the President himself to issue such rules or regulations as he may deem necessary to carry out the provisions of the Act.

EDITORIAL NOTE: Executive orders amending the Selective Service regulations, which were issued prior to the delegation of authority under Executive Order 11623 and which are still in effect, are codified at 32 CFR Chapter XVI.

Executive Order 11765—Sale of vessels of the Navy

SOURCE: The provisions of Executive Order 11765 of Jan. 21, 1974, appear at 39 FR 2577, 3 CFR, 1971-1975 Comp., p. 850, unless otherwise noted.

By virtue of the authority vested in me by section 7305(f) of title 10 of the United States Code, it is hereby ordered as follows:

SECTION 1. Vessels of the Navy stricken from the Naval Vessel Register pursuant to section 7304 of title 10 of the United States Code, and not subject to disposition under other law, may be sold at public sale to the highest acceptable bidder, regardless of their appraised value, after being advertised for sale for a period of not less than thirty days. Moreover, if the bid prices received after advertising are not considered reasonable by the Secretary of the Navy, or his designee, (either as to all or any part of a multiple ship advertisement) and he, or his designee, determines that readvertising will serve no useful purpose, such vessels may be sold by negotiation to the highest acceptable offeror: *Provided*, That (1) each responsible bidder has been notified of the intention to negotiate and has been given a reasonable opportunity to negotiate; (2) the negotiated price is higher than the highest rejected price of any re-

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responsible bidder; and (3) the negotiated price is the highest negotiated price offered by any responsible offeror.

SEC. 2. Each bid or offer shall be accompanied by a cash deposit (including cashier's check or certified check) in an amount not less than 10 percent of the bid or offer, or by a deposit bond, in such amount, executed by two or more acceptable sureties or by a surety appearing on the United States Treasury Department list of acceptable sureties. No other bond shall be required.

SEC. 3. Except as hereinabove modified pursuant to section 7305(f) of title 10 of the United States Code, sales of vessels of the Navy shall be conducted in accordance with the requirements in the remaining provisions of section 7305.

SEC. 4. This order supersedes Executive Order No. 10885 of August 1, 1960, entitled "Sale of Vessels of the Navy."

Executive Order 11850—Renunciation of certain uses in war of chemical herbicides and riot control agents

SOURCE: The provisions of Executive Order 11850 of Apr. 8, 1975, appear at 40 FR 187, 3 CFR, 1971-1975 Comp., p. 980, unless otherwise noted.

The United States renounces, as a matter of national policy, first use of chemical herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as:

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used as a mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorism and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

SEC. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

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Executive Order 11918—Compensation for damages involving nuclear reactors of United States warships

SOURCE: The provisions of Executive Order 11918 of June 1, 1976, appear at 41 FR 22329, 3 CFR, 1976 Comp., p. 120, unless otherwise noted.

By virtue of the authority vested in me by the joint resolution approved December 6, 1974 (Public Law 93-513, 88 Stat. 1610, 42 U.S.C. 2211), and by section 301 of title 3 of the United States Code, and as President of the United States of America, in order that prompt, adequate and effective compensation will be provided in the unlikely event of injury or damage resulting from a nuclear incident involving the nuclear reactor of a United States warship, it is hereby ordered as follows:

SECTION 1. (a) With respect to the administrative settlement of claims or judgments for bodily injury, death, or damage to or loss of real or personal property proven to have resulted from a nuclear incident involving the nuclear reactor of a United States warship, the Secretary of Defense is designated and empowered to authorize, in accord with Public Law 93-513, the payment, under such terms and conditions as he may direct, of such claims and judgments from contingency funds available to the Department of Defense.

(b) The Secretary of Defense shall, when he considers such action appropriate, certify claims or judgments described in subsection (a) and transmit to the Director of the Office of Management and Budget his recommendation with respect to appropriation by the Congress of such additional sums as may be necessary.

SEC. 2. The provisions of section 1 shall not be deemed to replace, alter, or diminish, the statutory and other functions vested in the Attorney General, or the head of any other agency, with respect to litigation against the United States and judgments and compromise settlements arising therefrom.

SEC. 3. The functions herein delegated shall be exercised in consultation with the Secretary of State in the case of any incident giving rise to a claim of a foreign country or national thereof, and international negotiations relating to Public Law 93-513 shall be performed by or under the authority of the Secretary of State.

Executive Order 12049—Defense Economic Adjustment Programs

SOURCE: The provisions of Executive Order 12049 of Mar. 27, 1978, appear at 43 FR 13363, 3 CFR, 1978 Comp., p. 169, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution of the United States of America, in order to provide coordinated Federal economic adjustment assistance necessitated by changes in Department of Defense activities, it is hereby ordered as follows:

SECTION 1. *Functions of the Secretary of Defense.*

(a) The Secretary shall, through the Economic Adjustment Committee, design and establish an Economic Adjustment Program to assist in the alleviation of serious economic and social impacts that result from major Defense realignments. The program shall provide for:

1. Identification of Defense-related impact problems of States, metropolitan areas, or communities that require assistance.

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2. Preparation of development strategies and action plans to coordinate Federal, State and local economic adjustment efforts.
 3. Strengthened and uniform economic impact analysis and analysis of community requirements for Federal economic adjustment resources, prior to base realignment action.
 4. Timely and earliest possible consultation and cooperation with local, State and Federal officials concerning impact problems and coordinated interagency and intergovernmental adjustment assistance.
 5. A clearinghouse service to exchange information among Federal, State and local officials involved in the resolution of community adjustment problems; e.g., previous studies, technical information, and sources of public and private financing.
 6. Application of consistent policies, practices, and procedures in the administration of Federal programs that are utilized to assist Defense impact communities.
 7. Encouragement of effective State and regional cooperation and concerted involvement of public interest groups and private sector organizations in Defense adjustment activities.
 8. Development, with representatives of appropriate agencies, of uniform criteria for the determination of social economic impact of a particular realignment.
 9. Identification and strengthening of existing agency mechanisms to better coordinate employment opportunities for displaced agency personnel.
 10. Increased attractiveness to the private sector of interim usage of lands and buildings and ways of streamlining property disposal procedures to enable impacted communities to acquire base property for job-generation purposes as military activities phase down.
- (b) The Secretary of Defense shall ensure that sufficient resources and personnel are allocated to carry out these functions.
- SEC. 2. *Economic Adjustment Committee.* (a) The Economic Adjustment Committee is hereby continued.
- (b) The Committee shall be composed of the following, or a principal deputy, and such others as the President may designate:
- (1) The Secretary of Defense, who shall be the Chairman of the Committee.
 - (2) The Secretary of Agriculture.
 - (3) The Secretary of Commerce.
 - (4) The Secretary of Energy.
 - (5) The Secretary of Health and Human Services.
 - (6) The Secretary of Housing and Urban Development.
 - (7) The Secretary of the Interior.
 - (8) The Secretary of Labor.
 - (9) The Secretary of Transportation.
 - (10) The Attorney General.
 - (11) The Chairman, Council of Economic Advisers.
 - (12) The Director of the Office of Management and Budget.
 - (13) The Director of the United States Arms Control and Disarmament Agency.
 - (14) The Administrator of the Environmental Protection Agency.

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- (15) The Director of the Community Services Administration.¹
- (16) The Administrator of General Services.
- (17) The Administrator of the Small Business Administration.
- (18) The Director of the Office of Personnel Management.
- (c) The Committee shall advise, assist, and support the Secretary of Defense's Economic Adjustment activities.
- (d) The Secretary of Defense shall provide all necessary administrative support for the Committee.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. Responsibility of Executive Agencies.

(a) The head of each agency represented on the Economic Adjustment Committee shall designate a permanent representative to: (1) serve as liaison with the Secretary of Defense's economic adjustment staff, (2) coordinate agency support and participation in assistance projects, and (3) assist in resolving community impact problems.

(b) All Executive agencies shall:

(1) Support, to the extent permitted by law, the economic adjustment assistance activities of the Secretary of Defense. Such support shall include the use and application of personnel, technical expertise, legal authorities, and available financial resources to the extent required to provide a coordinated Federal response to the needs of individual communities, States, and regions adversely affected by necessary Defense changes.

(2) Afford priority consideration to community requests for Federal technical assistance, financial resources, excess or surplus property, or other requirements that are part of a comprehensive plan used by the Economic Adjustment Committee.

SEC. 4. Construction. Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

Executive Order 12344—Naval Nuclear Propulsion Program

SOURCE: The provisions of Executive Order 12344 of Feb. 1, 1982, appear at 47 FR 4979, 3 CFR, 1982 Comp., p. 128, unless otherwise noted.

By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States of America, with recognition of the crucial importance to national security of the Naval Nuclear Propulsion Program, and for the purpose of preserving the basic structure, policies, and practices developed for this Program in the past and assuring that the Program will continue to function with excellence, it is hereby ordered as follows:

¹ EDITORIAL NOTE: The Community Services Administration was abolished through the repeal of the Economic Opportunity Act of 1964 (except titles VIII and X of the act) by Pub. L. 97-35 (95 Stat. 519, 42 U.S.C. 2941). The Office of Community Services was established in the Department of Health and Human Services by the Omnibus Reconciliation Act of 1981 (95 Stat. 516, 42 U.S.C. 9905).

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SECTION 1. The Naval Nuclear Propulsion Program is an integrated program carried out by two organizational units, one in the Department of Energy and the other in the Department of the Navy.

SEC. 2. Both organizational units shall be headed by the same individual so that the activities of each may continue in practice under common management. This individual shall direct the Naval Nuclear Propulsion Program in both departments. The director shall be qualified by reason of technical background and experience in naval nuclear propulsion. The director may be either a civilian or an officer of the United States Navy, active or retired.

SEC. 3. The Secretary of the Navy (through the Secretary of Defense) and the Secretary of Energy shall obtain the approval of the President to appoint the director of the Naval Nuclear Propulsion Program for their respective Departments. The director shall be appointed to serve a term of eight years, except that the Secretary of Energy and the Secretary of the Navy may, with mutual concurrence, terminate or extend the term of the respective appointments.

SEC. 4. An officer of the United States Navy appointed as director shall be nominated for the grade of Admiral. A civilian serving as director shall be compensated at a rate to be specified at the time of appointment.

SEC. 5. Within the Department of Energy, the Secretary of Energy shall assign to the director the responsibility of performing the functions of the Division of Naval Reactors transferred to the Department of Energy by Section 309(a) of the Department of Energy Organization Act (42 U.S.C. 7158), including assigned civilian power reactor programs, and any naval nuclear propulsion functions of the Department of Energy, including:

(a) direct supervision over the Bettis and Knolls Atomic Power Laboratories, the Expanded Core Facility and naval reactor prototype plants;

(b) research, development, design, acquisition, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto;

(c) the safety of reactors and associated naval nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operators, and the general public;

(d) training, including training conducted at the naval prototype reactors of the Department of Energy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of personnel who supervise, operate, or maintain naval nuclear propulsion plants; and

(e) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics, and fiscal management.

SEC. 6. Within the Department of Energy, the director shall report to the Secretary of Energy, through the Assistant Secretary assigned nu-

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clear energy functions and shall serve as a Deputy Assistant Secretary. The director shall have direct access to the Secretary of Energy and other senior officials in the Department of Energy concerning naval nuclear propulsion matters, and to all other personnel who supervise, operate or maintain naval nuclear propulsion plants and support facilities for the Department of Energy.

SEC. 7. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility to supervise all technical aspects of the Navy's nuclear propulsion work, including:

(a) research, development, design, procurement, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto; and

(b) training programs, including Nuclear Power Schools of the Navy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of Government personnel who supervise, operate, or maintain naval nuclear propulsion plants.

SEC. 8. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility within the Navy for:

(a) the safety of reactors and associated naval nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operators, and the general public.

(b) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics, and fiscal management.

SEC. 9. In addition to any other organizational assignments within the Department of the Navy, the director shall report directly to the Chief of Naval Operations. The director shall have direct access to the Secretary of the Navy and other senior officials in the Department of the Navy concerning naval nuclear propulsion matters, and to all other Government personnel who supervise, operate, or maintain naval nuclear propulsion plants and support facilities.

SEC. 10. This Order is effective on February 1, 1982.

Executive Order 12556—Mailing privileges of members of armed forces of the United States and of friendly foreign nations

SOURCE: The provisions of Executive Order 12556 of Apr. 16, 1986, appear at 51 FR 13205, 3 CFR, 1986 Comp., p. 214, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The function conferred upon the President by section 3401(a) of title 39 of the United States Code, of designating an area for free mailing privileges, is delegated to the Secretary of Defense.

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SEC. 2. *Interagency Consultation.* In performing the function delegated by this Order, the Secretary of Defense shall consult with the Secretary of State and the United States Postal Service, and with the heads of other Executive agencies as appropriate. The Secretary of Defense shall provide timely notice to the United States Postal Service of any designations or terminations of designations made under this Order.

SUBCHAPTER B—MILITARY AND CIVILIAN PERSONNEL

Executive Order 4601—[Distinguished Flying Cross] ¹

SOURCE: The provisions of Executive Order 4601 of Mar. 1, 1927, do not appear in the Federal Register system.

For the purpose of carrying into effect the provisions of Section 12 of the Act of Congress approved July 2, 1926, relative to the authorization of a distinguished flying cross, the following rules and regulations pertaining to the award of the distinguished flying cross are promulgated:

1. *a.* Subject to the other special conditions prescribed in the law, the following classes of persons are eligible for the award of the distinguished flying cross:

(1) All members of the Army, Navy, Marine Corps, and Coast Guard of the United States, while participating in an aerial flight, as part of the duties incident to such membership;

(2) All members of the National Guard not in Federal service, the Organized Reserves, the Officers' Reserve Corps, the Enlisted Reserve Corps, the Naval Reserves and the Marine Corps Reserves, not on active duty, while participating in an aerial flight as part of the duties incident to such membership;

(3) Members of the military, naval or air forces of foreign governments while serving with the military or naval forces of the United States and while participating in an aerial flight.

b. Civilians are not eligible for the award of the distinguished flying cross.

[Para. 1 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

2. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, acting for the President, will make the award of the distinguished flying cross to eligible persons in their respective departments.

[Para. 2 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

3. The initial recommendation for the award of the decoration may be made by any officer having information of the facts.

4. A recommendation must be based upon the statement of a person who has personal knowledge concerning the act of heroism or extraordinary achievement or who was an eye-witness thereto, preferably the immediate commander. Such act or achievement must be described specifically and in detail. When the recommendation is made by a person who was an eye-witness to the act or achievement or who has personal

¹ EDITORIAL NOTE: Executive Order 4601 was not given a formal title.

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knowledge thereof, that fact must be stated. When the recommendation is made by a person who was not an eye-witness to the act or achievement or who does not have personal knowledge thereof, the testimony of at least two persons who were eye-witnesses or who have personal knowledge thereof, and who so describe themselves, must accompany the recommendation. Written testimony will be in the form of certificates or affidavits.

5. Each recommendation for the award of the decoration will show, in case of the person who is being recommended, the exact status of that person at the time he displayed the heroism or extraordinary achievement upon which the recommendation is based, and will contain a specific statement that the entire service of that person, since the time he distinguished himself, has been honorable.

6. When a recommendation is supported by an official record that fact will be stated, and there will be included in the recommendation such information as will enable a prompt and certain identification of such record.

7. Each recommendation will be submitted separately and forwarded through regular channels with the views and recommendations of each commander indorsed thereon.

8. (a) For any act of heroism or extraordinary achievement performed on or before July 2, 1926, the Distinguished Flying Cross shall not be awarded after July 2, 1929, nor unless the recommendation therefor shall have been made on or before July 2, 1928. For any such act or achievement performed subsequent to July 2, 1926, the said decoration shall not be awarded after more than three years from the date of such act or achievement, nor unless the recommendation therefor shall have been made at the time of such act or achievement or within two years thereafter: *Provided*, that for any such act or achievement performed between December 7, 1941, and September 2, 1945, the said decoration may be awarded not later than May 2, 1952, in any case in which the written recommendation therefor shall have been made on or before May 2, 1951: *And provided further*, that for any such act or achievement performed during the period commencing September 3, 1945, and ending at twelve o'clock noon, December 31, 1946, the date of the termination of hostilities of World War II, as proclaimed by Proclamation No. 2714 of December 31, 1946, the said decoration may be awarded in any case in which the recommendation therefor shall have been made not later than June 30, 1947.

(b) In any case in which a recommendation for the award of the Distinguished Flying Cross has been lost and such recommendation is alleged to have been made within the applicable period of time prescribed by subdivision (a) of this paragraph, the certificate of an officer or the affidavit of an enlisted man to the effect that the recommendation was made within such applicable period of time and forwarded through official channels, accompanied by a statement of the substance of the recommendation, or preferably a copy thereof, shall be accepted, and the case considered on its merits.

[Para. 8 amended by EO 10189 of Dec. 6, 1950, 15 FR 8710, 3 CFR, 1949-1953 Comp., p. 369]

9. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award

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may nevertheless be made and the cross, bar, or other device presented to the representative of the deceased in the following order: widow (provided she has not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

10. Not more than one of the several decorations authorized by Federal law will be awarded for the same act of heroism or extraordinary achievement.

11. Whenever the distinguished flying cross, bar, or other suitable device shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such cross, bar, or other device shall be replaced without charge therefor by the department by which the award was made.

12. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may promulgate, for the service pertaining to their respective departments, such additional regulations, supplementary to these regulations and not in conflict therewith, as they may deem proper, and may from time to time alter, modify, or rescind such regulations.

[Para. 12 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

EDITORIAL NOTE: Executive Order 4601 was further amended by Executive Order 7962 of Aug. 22, 1938, to provide for the award of the decoration to a certain member of the U.S. Coast Guard. The Executive order was not printed in the FEDERAL REGISTER.

Executive Order 8809—Good Conduct Medal

SOURCE: The provisions of Executive Order 8809 of June 28, 1941, 6 FR 3209, 3 CFR, 1938-1943 Comp., p. 961, were amended and restated in their entirety by Executive Order 10444 of Apr. 10, 1953. These provisions appear at 18 FR 2069, 3 CFR, 1949-1953 Comp., p. 934, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

There is hereby established the Good Conduct Medal, which shall include suitable appurtenances. Such medal may be awarded for exemplary behavior, efficiency, and fidelity, under such regulations as the Secretary of the Army and the Secretary of the Air Force shall severally prescribe, to those enlisted men of the Army of the United States and the United States Air Force who on or after August 27, 1940, had or shall have honorably completed three years of active Federal military service, or who after December 7, 1941, have or shall have honorably served one year of active Federal military service while the United States is at war, or who at the time of the termination of their active Federal military service have not previously been awarded a Good Conduct Medal and have completed a period of honorable service of less than three years if any part of that period of service has been performed after June 27, 1950:

Provided, That no persons, except persons separated from the active Federal military service by reason of physical disability incurred in line of duty, shall be awarded such medal for a period of service of less than one year.

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Executive Order 9260—Legion of Merit

SOURCE: The provisions of Executive Order 9260 of Oct. 29, 1942, appear at 7 FR 8819, 3 CFR, 1943-1948 Comp., p. 1222, unless otherwise noted.

1. The decoration of the Legion of Merit shall be awarded by the President of the United States or at his direction to members of the armed forces of the United States and members of the armed forces of friendly foreign nations, who, after the proclamation of an emergency by the President on September 8, 1939, shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

2. Awards of the decoration of the Legion of Merit may be proposed to the President by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, each acting upon the recommendation of an officer of the armed forces of the United States who has personal knowledge of the services of the person recommended.

3 (a). The decoration of the Legion of Merit, in the degrees of Commander, Officer, and Legionnaire, shall be awarded by the Secretary of Defense or his designee, after concurrence by the Secretary of State, to members of the armed forces of friendly foreign nations.

(b). Recommendations for awards of the Legion of Merit, in the degree of Chief Commander, to members of the armed forces of friendly foreign nations shall be submitted by the Secretary of Defense, after concurrence by the Secretary of State, to the President for his approval.

[EO 9260 amended by EO 10600 of Mar. 15, 1955, 20 FR 1569, 3 CFR, 1954-1958 Comp., p. 245]

Executive Order 9265—American, European-African-Middle Eastern and Asiatic-Pacific campaign medals

SOURCE: The provisions of Executive Order 9265 of Nov. 6, 1942, appear at 7 FR 9106, 3 CFR, 1938-1943 Comp., p. 1224, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that the American, European-African-Middle Eastern, and Asiatic-Pacific campaign medals, including suitable appurtenances, be established, and that the said medals may be awarded, under such regulations as the Secretary of War and the Secretary of the Navy may severally prescribe, to members of the land and naval forces of the United States, including the Women's Reserve of the United States Naval Reserve, and to members of the Women's Army Auxiliary Corps who, during any period between December 7, 1941, inclusive, and a date six months subsequent to the termination of the present war, shall have served outside the continental limits of the United States in any of the respective areas as indicated by the names of the medals, such areas to be more precisely defined in the regulations hereby authorized.

For the purposes of this order, the Territory of Alaska shall be considered as outside the continental limits of the United States.

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EDITORIAL NOTE: Executive Order 9265 was amended by the following provisions of Executive Order 9706 of Mar. 15, 1946, which appear at 11 FR 2811, 3 CFR, 1943-1948 Comp., p. 520:

1. The European-African-Middle Eastern Campaign Medal shall not be awarded for any service rendered subsequent to November 8, 1945.
2. The American Campaign Medal and the Asiatic-Pacific Campaign Medal shall not be awarded for any service rendered subsequent to March 2, 1946.
3. Effective October 12, 1945, members and former members of the land and naval forces of the United States, including the Women's Reserve of the United States Naval Reserve, and former members of the Women's Army Auxiliary Corps, who served in the continental United States for an aggregate period of one year between December 7, 1941, and March 2, 1946, inclusive, may be awarded the American Campaign Medal under such regulations as the Secretary of War and Secretary of the Navy may severally prescribe.

Executive Order 9637—Medal for Merit

SOURCE: The provisions of Executive Order 9637 of Oct. 3, 1945, 10 FR 12543, 3 CFR, 1943-1948 Comp., p. 439, were amended and restated in their entirety by Executive Order 9857A of May 27, 1947. These provisions appear at 12 FR 3583, 3 CFR, 1943-1948 Comp., p. 646, unless otherwise noted.

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction. Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services since the proclamation of an emergency by the President on September 8, 1939. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations.
2. There is hereby established the Medal for Merit Board, which shall be composed of three members appointed by the President, one of whom shall be designated by the President to act as Chairman of the Board.
3. The Medal for Merit Board shall receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto. In the case of proposed awards to civilians of foreign nations, such recommendations shall include the recommendations of the Secretary of State.
4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.
5. Executive Order 9331 of April 19, 1943, and the Medal for Merit Board created thereby, are superseded by this order.
6. The Medal for Merit shall not be awarded for any services relating to the prosecution of World War II performed subsequent to the cessation of hostilities, as proclaimed by Proclamation No. 2714 of December 31, 1946, and no proposal for an award for such services submitted after June 30, 1947, shall be considered by the Medal for Merit Board.

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EDITORIAL NOTE: The preamble to Executive Order 9857A reads as follows:

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942, 56 Stat. 662 Executive Order No. 9637 of October 3, 1945, prescribing rules and regulations for the award of the decoration of the Medal for Merit, created by the said act, is hereby amended to read as follows:

Executive Order 10028—Defining noncombatant service and noncombatant training

SOURCE: The provisions of Executive Order 10028 of Jan. 13, 1949, appear at 14 FR 211, 3 CFR, 1949-1953 Comp., p. 224, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604), and as President of the United States, the following definitions are hereby prescribed for the purposes of section 6(j) of the said Act:

1. The term "noncombatant service" shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

2. The term "noncombatant training" shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

Executive Order 10113—Delegating the authority of the President to prescribe clothing allowances, and cash allowances in lieu thereof, for enlisted men in the Armed Forces

SOURCE: The provisions of Executive Order 10113 of Feb. 24, 1950, appear at 15 FR 1065, 3 CFR, 1949-1953 Comp., p. 303, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces, it is ordered as follows:

1. The Secretary of Defense with respect to enlisted men of the Army, the Navy, the Air Force, the Marine Corps, the Naval Reserve, the Marine Corps Reserve, the National Guard, the Air National Guard, the National Guard of the United States, the Air National Guard of the United States, the Organized Reserve Corps, and the Air Force Reserve, and the Secretary of the Treasury with respect to enlisted men of the Coast Guard and the Coast Guard Reserve, are hereby authorized and directed, after appropriate consultation with the Director of the Office of Management and Budget, to perform the functions vested in the President by section 505 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), relative to prescribing the quantity and kind of clothing which shall be furnished annually to enlisted men of the aforesaid services and relative to prescribing the amount of the cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them.

[Para. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

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2. The quantity and kind of clothing, and any cash allowances in lieu thereof, prescribed by the Secretary of the Treasury hereunder with respect to the Coast Guard and the Coast Guard Reserve shall, so far as practicable, be in conformity with those prescribed by the Secretary of Defense with respect to the Navy and Naval Reserve, respectively.

3. Existing regulations prescribing the quantity and kind of clothing furnished, and any cash allowances in lieu thereof, shall remain in effect until modified, revoked, or superseded by action taken pursuant to this order.

4. The term "enlisted men" as used in this order shall be deemed to apply to enlisted persons of either sex.

5. This order shall become effective on April 1, 1950, and on that date shall supersede Executive Order No. 10049, entitled "Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in Lieu Thereof, to Enlisted Men in the Armed Forces."

Executive Order 10122—Regulations governing payment of disability retirement pay, hospitalization, and re-examination of members and former members of the uniformed services

SOURCE: The provisions of Executive Order 10122 of Apr. 14, 1950, appear at 15 FR 2173, 3 CFR, 1949-1953 Comp., p. 313, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by section 414(b) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing payment of disability retirement pay, hospitalization, and re-examination of members and former members of the uniformed services:

SECTION 1. The terms "uniformed services" and "Secretary" as used in these regulations shall have the meaning prescribed therefor by subsections (a) and (f), respectively, of section 102 of the Career Compensation Act of 1949.

SEC. 2. (a) Effective as of October 1, 1949, all duties, powers, and functions incident to the payment of disability retirement pay of members or former members of the uniformed services retired for physical disability or receiving disability retirement pay shall, except as provided in subsection (b) of this section, be vested in the Secretary concerned.

(b) Effective July 1, 1950, all duties, powers, and functions exercised by the Veterans' Administration pursuant to Executive Order No. 8099 of April 28, 1939, as amended by Executive Order No. 8461 of June 28, 1940, relative to the administration of the retirement-pay provisions of section 1 of the act of August 30, 1935, as amended by section 5 of the act of April 3, 1939, 53 Stat. 557, and amendments thereof, shall, as to cases within their respective jurisdictions, be vested in the Secretary of the Army and the Secretary of the Air Force, and thereafter the Veterans' Administration shall not be charged in any case with any further responsibility in the administration of the said retirement-pay provisions. The said Executive Order No. 8099 as amended by the said Executive Order No. 8461 is hereby amended accordingly.

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SEC. 3. All duties, powers, and functions incident to the hospitalization, except as provided in section 5 of this order, and re-examination of members of the uniformed services placed on the temporary disability retired list under the provisions of the Career Compensation Act of 1949 shall be vested in the Secretary concerned.

[Sec. 3 amended by EO 10400 of Sept. 27, 1952, 17 FR 8648, 3 CFR, 1949-1953 Comp., p. 900]

SEC. 4. Effective May 1, 1950, all duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services permanently retired for physical disability or receiving disability retirement pay shall, except as provided in section 5 of this order, be vested in the Secretary concerned: *Provided*, that all the duties, powers, and functions incident to hospitalization which such members or former members are entitled to and elect to receive in facilities of the Veterans' Administration, other than hospitals under the jurisdiction of the uniformed services, shall be vested in the Administrator of Veterans' Affairs.

SEC. 5. All duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services placed on the temporary disability retired list or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases shall be vested in the Administrator of Veterans' Affairs: *Provided*, that all the duties, powers, and functions incident to hospitalization for such members or former members who elect to receive hospitalization in uniformed services facilities shall, subject to the availability of space and facilities and the capabilities of the medical and dental staff, be vested in the Secretary concerned: *And provided further*, that for the purpose of this order, the term 'chronic diseases' shall be construed to include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be so defined jointly by the Secretary of Defense, the Administrator of Veterans' Affairs, and the Federal Security Administrator and so described in appropriate regulations of the respective departments and agencies concerned. Executive Order No. 9703 of March 12, 1946, prescribing regulations relating to the medical care of certain personnel of the Coast Guard, National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey), Public Health Service, and the former Lighthouse Service, is hereby amended to the extent necessary to conform to the provisions of this section.

[Sec. 5 amended by EO 10400 of Sept. 27, 1952, 17 FR 8648, 3 CFR, 1949-1953 Comp., p. 900; EO 11733 of July 30, 1973, 38 FR 20431, 3 CFR, 1971-1975 Comp., p. 792]

SEC. 6. Except as provided in section 5 hereof with respect to hospitalization for chronic diseases, nothing in this order shall be construed to affect the duties, powers, and functions of the Public Health Service with respect to hospitalization and medical examination of members and former members of the Coast Guard and the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey) under the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), as

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amended, and the regulations prescribed by the said Executive Order No. 9703 of March 12, 1946.

[Sec. 6 amended by EO 11733 of July 30, 1973, 38 FR 20431, 3 CFR, 1971-1975 Comp., p. 792]

SEC. 7. Nothing in this order shall be construed to affect the duties, powers, and functions vested in the Administrator of Veteran's Affairs pursuant to the provisions of the act of May 24, 1928, entitled "An Act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War" (45 Stat. 735, as amended), or by or pursuant to the act of September 26, 1941, entitled "An Act to provide retirement pay and hospital benefits to certain Reserve officers, Army of the United States, disabled while on active duty" (55 Stat. 733).

Executive Order 10153—Regulations relating to certain travel time of members of the uniformed services called to active duty in excess of thirty days

SOURCE: The provisions of Executive Order 10153 of Aug. 17, 1950, appear at 15 FR 5492, 3 CFR, 1949-1953 Comp., p. 330, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by section 201 (e) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations relating to the inclusion as active duty of time required for travel from home to first duty station and from last duty station to home by members of the uniformed services called or ordered to active duty in excess of thirty days:

SECTION 1. For travel from home to first duty station, in case travel by public transportation is authorized, the travel time included as active duty shall be based upon actual and necessary schedules which most nearly coincide with the possible time of departure and arrival by the mode of transportation actually used, or by public surface transportation if the travel is actually performed by private conveyance without having been specifically authorized. In case travel by private conveyance is specifically authorized and the travel is so performed, the travel time included as active duty shall be computed on the basis of one day for each three hundred miles traveled, and one day of travel time shall also be allowed for each fraction of three hundred miles in excess of one hundred and fifty miles. The distance traveled shall be computed on the basis of distances established by the official mileage tables in use by the uniformed services. Travel by private conveyance shall not be specifically authorized in any case in which the call to active duty is for a period of less than ninety consecutive days.

[Sec. 1 amended by EO 10649 of Dec. 28, 1955, 20 FR 10095, 3 CFR, 1954-1958 Comp., p. 293]

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SEC. 2. For travel from last duty station to home, in case travel by public transportation is authorized, the travel time included as active duty shall be based upon actual and necessary schedules which most nearly coincide with the possible time of departure and arrival by public surface transportation, without regard to the actual performance of such travel. In case travel by private conveyance is specifically authorized, the travel time included as active duty shall be computed on the basis of one day for each three hundred miles traveled, and one day of travel time shall also be allowed for each fraction of three hundred miles in excess of one hundred and fifty miles, without regard to the actual performance of such travel. The distance from last duty station to home shall be computed on the basis of distances established by the official mileage tables in use by the uniformed services. Travel by private conveyance shall not be specifically authorized in any case in which the call to active duty is for a period of less than ninety consecutive days.

[Sec. 2 amended by EO 10649 of Dec. 28, 1955, 20 FR 10095, 3 CFR, 1954-1958 Comp., p. 293]

SEC. 3. The Secretaries concerned (within the meaning of section 102 (f) of the said Career Compensation Act of 1949) may prescribe with respect to personnel of the uniformed services within their respective departments or agency such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

SEC. 4. This order shall become effective on September 1, 1950.

Executive Order 10163—The Armed Forces Reserve Medal

SOURCE: The provisions of Executive Order 10163 of Sept. 25, 1950, appear at 15 FR 6489, 3 CFR, 1949-1953 Comp., p. 345, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established the Armed Forces Reserve Medal, with accompanying appurtenances and devices, for award to members and former members of the reserve components of the armed forces of the United States as hereinafter provided.

2. The Armed Forces Reserve Medal shall be of such design as the Secretary of Defense shall approve: *Provided*, That the obverse face of the medal shall be of the same design in all cases, and the reserve face shall be distinctive in design with respect to each reserve component of the armed forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve: *And provided further*, That the reverse face of the medal to be awarded to members of the Coast Guard Reserve shall be of such design as the Secretary of the Treasury shall approve.

3. The Armed Forces Reserve Medal may be awarded to members or former members of the reserve components of the armed forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve, who complete or have completed a total of ten years of honorable service in one or more of such reserve components, includ-

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ing annual active-duty and inactive-duty training as required by appropriate regulations: *Provided* (1) that such ten years of service is, or has been, performed within a period of twelve consecutive years, (2) that such service shall not include service in a regular component of the armed forces, including the Coast Guard, but (a) service in a reserve component which is concurrent, in whole or in part, with service in a regular component of the armed forces shall be included in computing the required ten years of reserve service, and (b) any period of time during which reserve service is interrupted by service in a regular component of the armed forces shall be excluded in computing, and shall not be considered a break in, the said period of twelve consecutive years, and (3) that such service shall not include service for which the Naval Reserve Medal or the Marine Corps Reserve Medal has been, or may be, awarded: *And provided further*, that any medal awarded hereunder shall be of the design distinctive of the reserve component in which the person to whom it is awarded is serving at the time of the award or in which such person last served.

[Para. 3 amended by EO 10439 of Mar. 19, 1953, 18 FR 1581, 3 CFR, 1949-1953 Comp., p. 931]

4. Not more than one Armed Forces Reserve Medal may be awarded to any one person, but for each succeeding ten-year period of service as above described a suitable device may be awarded, to be worn with the medal in accordance with appropriate regulations.

5. A member of a Naval or Marine Corps Reserve component who is eligible to receive a Naval Reserve or Marine Corps Reserve Medal may at his election be awarded, in lieu of such medal, the Armed Forces Reserve Medal.

6. The Armed Forces Reserve Medal shall be awarded in lieu of the Naval Reserve and the Marine Corps Reserve Medals for service performed after twenty years from the dates on which such medals were established.

7. Subject to the provisions of this order, the Armed Forces Reserve Medal shall be awarded under such regulations as the Secretaries of the military departments of the Department of Defense and the Secretary of the Treasury shall severally prescribe. Such regulations shall, so far as practicable, be of uniform application, and regulations issued pursuant to this order by the Secretaries of the military departments of the Department of Defense shall be subject to the approval of the Secretary of Defense.

Executive Order 10179—Establishing the Korean Service Medal

SOURCE: The provisions of Executive Order 10179 of Nov. 8, 1950, appear at 15 FR 7665, 3 CFR, 1949-1953 Comp., p. 362, unless otherwise noted.

1. There is hereby established the Korean Service Medal, with suitable appurtenances, for award, under such regulations as the Secretaries of the Army, Navy, and Air Force and the Secretary of the Treasury may severally prescribe, and subject to the provisions of this order, to members of the armed forces of the United States who during any period between June 27, 1950, inclusive, and a terminal date to be fixed by the Secretary of Defense shall have served within the area or areas of military operations in the Korean theater.

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[Sec. 1 amended by EO 10429 of Jan. 17, 1953, 18 FR 408, 3 CFR 1949-1953 Comp., p. 927]

2. The regulations prescribed by the Secretaries of the Army, Navy, and Air Force pursuant to paragraph 1 hereof shall be uniform so far as practicable and shall be approved by the Secretary of Defense. The regulations prescribed by the Secretary of the Treasury pursuant to paragraph 1 hereof shall, so far as practicable, be uniform with the regulations prescribed by the Secretaries of the Army, Navy, and Air Force and approved by the Secretary of Defense pursuant to the said paragraph.

[Sec. 2 amended by EO 10429 of Jan. 17, 1953, 18 FR 408, 3 CFR 1949-1953 Comp., p. 927]

3. The term "Korean theater", as used in paragraph 1 hereof, shall be defined in the regulations prescribed pursuant to the said paragraph.

4. No person shall be entitled to more than one award of the Korean Service Medal.

5. The Korean Service Medal may be awarded posthumously.

Executive Order 10325—Regulations governing the award of the Medal for Humane Action

SOURCE: The provisions of Executive Order 10325 of Feb. 7, 1952, appear at 17 FR 1239, 3 CFR, 1949-1953 Comp., p. 851, unless otherwise noted.

By virtue of and pursuant to the authority vested in me by the act of July 20, 1949, ch. 353, 63 Stat. 447, and by section 301 of title 3 of the United States Code (sec. 10 of Pub. Law 248, 82nd Cong.), I hereby prescribe the following regulations governing the award of the Medal for Humane Action, created by the said act of July 20, 1949:

1. The Medal for Humane Action, with suitable appurtenances and devices, may be awarded on behalf of the President of the United States by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force under such regulations as they may severally prescribe and subject to the provisions of this order.

2. The Medal for Humane Action may be awarded, as provided in paragraph 1 hereof, to any person who while serving in or with the armed forces of the United States at any time during the period commencing on June 26, 1948, and terminating at the close of September 30, 1949, distinguished himself by meritorious participation in the humane military effort to supply necessities of life to the people of Berlin, Germany. Such a person may have been, at the time of such participation, a member of the armed forces, or a national, of the United States, or a member of the armed forces, or a national, of any country other than the United States.

3. No person shall be awarded more than one Medal for Humane Action.

4. In the case of any person who shall have died while participating in such humane military effort or as a result of his participation therein, or who is found qualified for the award of the Medal for Humane Action but shall have died without having received such award, the Medal for Humane Action shall be presented to such appropriate representative or next of kin of such person as may be determined pursuant to regulations prescribed by the respective Secretaries.

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5. The Secretaries of the Army, Navy, and Air Force are authorized and directed to prescribe such regulations as may be deemed necessary for carrying out the provisions of this order. Such regulations shall be uniform for all military departments insofar as practicable and shall be subject to the approval of the Secretary of Defense.

This order shall be effective as of July 20, 1949.

Executive Order 10431—National Security Medal

SOURCE: The provisions of Executive Order 10431 of Jan. 19, 1953, appear at 18 FR 437, 3 CFR, 1949-1953 Comp., p. 927, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established a medal to be known as the National Security Medal with accompanying ribbons and appurtenances. The medal and its appurtenances shall be of appropriate design, approved by the Executive Secretary of the National Security Council.

2. The National Security Medal may be awarded to any person, without regard to nationality, including members of the armed forces of the United States, for distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security.

3. The decoration established by this order shall be awarded by the President of the United States or, under regulations approved by him, by such person or persons as he may designate.

4. No more than one National Security Medal shall be awarded to any one person, but for subsequent services justifying an award, a suitable device may be awarded to be worn with the Medal.

5. Members of the armed forces of the United States who are awarded the decoration established by this order are authorized to wear the medal and the ribbon symbolic of the award, as may be authorized by uniform regulations approved by the Secretary of Defense.

6. The decoration established by this order may be awarded posthumously.

EDITORIAL NOTE: The accompanying document, which was approved by the President on Jan. 19, 1953, was published with Executive Order 10431.

REGULATIONS GOVERNING THE AWARD OF THE NATIONAL SECURITY MEDAL

Pursuant to Paragraph 2 of Executive Order 10431, the following regulations are hereby issued to govern the award of the National Security Medal:

1. The National Security Medal may be awarded to any person without regard to nationality, including a member of the Armed Forces of the United States, who, on or after 26 July 1947, has made an outstanding contribution to the National intelligence effort. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

2. The National Security Medal with accompanying ribbon and appurtenances, shall be of appropriate design to be approved by the Executive Secretary of the National Security Council.

3. The National Security Medal shall be awarded only by the President or his designee for that purpose.

4. Recommendations may be submitted to the Executive Secretary of the National Security Council by any individual having personal knowledge of the facts of the exception-

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ally meritorious conduct or act of valor of the candidate in the performance of outstanding services, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Any recommendations shall be accompanied by complete documentation, including where necessary, certificates, affidavits or sworn transcripts of testimony. Each recommendation for an award shall show the exact status, at the time of the rendition of the service on which the recommendation is based, with respect to citizenship, employment, and all other material factors, of the person who is being recommended for the National Security Medal.

5. Each recommendation shall contain a draft of an appropriate citation to accompany the award of the National Security Medal.

Executive Order 10448—Establishing the National Defense Service Medal

SOURCE: The provisions of Executive Order 10448 of Apr. 22, 1953, appear at 18 FR 2391, 3 CFR, 1949-1953 Comp., p. 935, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established the National Defense Service Medal, with suitable appurtenances. Under such regulations as the Secretaries of the Army, Navy, and Air Force, or the Secretary of Transportation with regard to the Coast Guard when it is not operating as a service in the Navy, may severally prescribe, and subject to the provisions of this Order, the National Defense Service Medal shall be awarded to members of the Armed Forces of the United States who served during any period after June 26, 1950, and before July 28, 1954, or who served during any period after December 31, 1960, which the Secretary of Defense designates as being a period for which active military service merits special recognition.¹

[Para. 1 amended by EO 11265 of Jan. 11, 1966, 31 FR 425, 3 CFR, 1966-1970 Comp., p. 532; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

2. The regulations prescribed by the Secretaries of the Army, Navy, and Air Force pursuant to paragraph 1 hereof shall be uniform so far as practicable and shall be approved by the Secretary of Defense. The regulations prescribed by the Secretary of Transportation pursuant to paragraph 1 hereof shall, so far as practicable, be uniform with the regulations prescribed for the other armed forces.

[Para. 2 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

3. Those persons entitled to wear the National Defense Service Medal for service after June 26, 1950, and before July 28, 1954, or for service during any designated period after December 31, 1960, are also entitled to wear a bronze star on their National Defense Service Medal ribbon for each additional period of active duty designated by the Secretary of Defense pursuant to paragraph 1 as being a period for which active military service merits special recognition.

¹ EDITORIAL NOTE: The Secretary of Defense designated the period for which active military service establishes eligibility for award of the National Defense Service Medal as any period after December 31, 1960, and before August 15, 1974 (Department of Defense Directive No. 1348.7).

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[Para. 3 amended by EO 11265 of Jan. 11, 1966, 31 FR 425, 3 CFR, 1966-1970 Comp., p. 532]

4. The National Defense Service Medal may be awarded posthumously.

Executive Order 10499—Delegating functions conferred upon the President by section 8 of the Uniformed Services Contingency Option Act of 1953

SOURCE: The provisions of Executive Order 10499 of Nov. 4, 1953, appear at 18 FR 7003, 3 CFR, 1949-1953 Comp., p. 977, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Except as otherwise provided in this order, the Secretary of Defense is hereby authorized and empowered to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 8 of the Uniformed Services Contingency Option Act of 1953, approved August 8, 1953 (Public Law 239, 83d Congress), hereinafter referred to as the Act. The Secretary of Defense, after appropriate consultation with the Secretaries of the Treasury, Commerce, and Health, Education, and Welfare, shall prepare for each fiscal year a consolidated report on operations and financing of the benefits authorized by the Act and shall present such report to the President not later than four months following the close of the fiscal year, for transmittal by the President to the Congress.

SEC. 2. The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare are hereby severally authorized and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 8 of the Act of prescribing regulations for the administration of the Act; provided that the regulations prescribed by any such Secretary shall relate only to the Department of which the Secretary is the head.

SEC. 3. The regulations prescribed by the said Secretaries under section 2 of this order shall be subject to the approval of the Secretary of Defense; shall be designed to achieve the uniform, equitable, and economical administration of the Act; shall include uniform tables of actuarial equivalents and provision that term insurance values shall be computed by uniform methods prescribed by the Board of Actuaries provided for in section 8 of the Act; and, to the extent deemed necessary, shall include (a) procedures for informing personnel of their rights, for submitting elections and claims, and for reconsideration of determinations, and (b) definitions of terms.

SEC. 4. Functions under section 8 of the Act with respect to the selection of a member of the Board of Actuaries from among the membership of the Society of Actuaries and the fixing of his compensation are reserved to the President.

SEC. 5. The meaning of the terms "functions" to "perform" as used in this order shall be the same as the meaning of those terms as used in chapter 4 of title 3 of the United States Code.

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This order shall become effective on November 1, 1953.

Executive Order 10554—Delegating the authority of the President to prescribe regulations authorizing occasions upon which the uniform may be worn by persons who have served honorably in the Armed Forces in time of war

SOURCE: The provisions of Executive Order 10554 of Aug. 18, 1954, appear at 19 FR 5295, 3 CFR, 1954-1958 Comp., p. 202, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The authority vested in the President (1) by section 125 of the act of June 3, 1916, 39 Stat. 216, as amended by the first section of the act of July 6, 1953, 67 Stat. 140, and (2) by section 2 of the act of June 21, 1930, 46 Stat. 793, as amended by section 2 of said act of July 6, 1953, to prescribe regulations authorizing occasions upon which the uniform may be worn by persons who have served honorably in the armed forces of the United States in time of war is hereby delegated to the Secretary of Defense so far as it pertains to the uniforms of the Army, Navy, Air Force, and Marine Corps, and to the Secretary of the Treasury so far as it pertains to the uniform of the Coast Guard.

Executive Order 10621—Delegation of certain functions of the President to the Secretary of Defense

SOURCE: The provisions of Executive Order 10621 of July 1, 1955, appear at 20 FR 4759, 3 CFR, 1954-1958 Comp., p. 259, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense, and, as designated by the said Secretary for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the military departments, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by the act of March 3, 1901, c. 852, 31 Stat. 1107, 1133 (34 U.S.C. 451), to establish and modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons.

(b) The authority vested in the President by the act of August 22, 1912, c. 335, 37 Stat. 328, 331 (34 U.S.C. 184, 195), to approve regulations of the Secretary of the Navy under which any enlisted man may be discharged within three months before the expiration of the term of his enlistment, and under which an enlisted man may voluntarily extend the term of his enlistment.

(c) The authority vested in the President by the act of May 22, 1928, c. 688, 45 Stat. 712 (34 U.S.C. 885), to approve regulations governing the advancement of public funds to naval personnel when required to meet expenses of officers and men detailed on emergency shore duty.

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(d) The authority vested in the President by the act of June 22, 1938, c. 567, 52 Stat. 839, as amended (5 U.S.C. 425a), section 201(a) of the act of August 25, 1941, c. 409, 55 Stat. 680 (5 U.S.C. 471), section 3 of the act of December 28, 1945, c. 604, 59 Stat. 666, as amended (5 U.S.C. 456c), section 2 of the act of August 1, 1946, c. 727, 60 Stat. 779 (5 U.S.C. 475a), and section 7(a) of the act of March 5, 1948, c. 98, 62 Stat. 68 (5 U.S.C. 423g), to authorize, in his discretion, for any officer of the Regular Navy or Marine Corps who retires while serving as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, as Commandant of the Marine Corps, as Director of Budgets and Reports, as Chief of the Dental Division, as Chief of Naval Research, or as Chief of Naval Material, or while serving in a lower rank if he has previously served in any of such offices two and one-half years or more, retirement in the highest grade or rank in which he so served and with retired pay based on that rank.

(e) The authority vested in the President by the act of June 15, 1940, c. 374, 54 Stat. 400 (34 U.S.C. 639a), to prescribe from time to time the number of warrant and commissioned warrant officers for the Marine Corps.

(f) The authority vested in the President by the act of June 24, 1941, c. 231, 55 Stat. 260 (34 U.S.C. 493b), to approve the use for experimental purposes of vessels of the United States Navy stricken from the Navy Register pursuant to the act of August 5, 1882, 22 Stat. 296, as amended (34 U.S.C. 491).

(g) The authority vested in the President by section 302 of the act of June 22, 1944, c. 268, 58 Stat. 287 (38 U.S.C. 693i), to approve or disapprove the proceedings and decisions of boards of review established under that section by the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, and to issue orders in such cases.

(h) The authority vested in the President by Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985, 5 U.S.C. 5702(a), to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States.

[Sec. 1 amended by EO 11294 of Aug. 4, 1966, 31 FR 10601, 3 CFR, 1966-1970 Comp., p. 569; EO 12396 of Dec. 9, 1982, 47 FR 55897, 3 CFR, 1982 Comp., p. 234; EO 12561 of July 1, 1986, 51 FR 24299, 3 CFR, 1986 Comp., p. 220]

SEC. 2. The Secretary of Defense, and, as designated by the said Secretary for this purpose, the Deputy Secretary of Defense and any of the Assistant Secretaries of Defense, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1547 of the Revised Statutes of the United States (34 U.S.C. 591) to approve alterations made by the Secretary of the Navy in Navy Regulations.

(b) The authority vested in the President by section 1 of the act of April 9, 1906, c. 1370, 34 Stat. 104 (34 U.S.C. 1062), to approve the

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dismissal by the Secretary of the Navy of a midshipman from the United States Naval Academy.

SEC. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force and effect at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in force and effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 4. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to mean "exercise".

Executive Order 10628—Restoring limitations upon punishments for violations of articles 82, 85, 86 (3), 87, 90, 91 (1) and (2), 113, and 115 of the Uniform Code of Military Justice

SOURCE: The provisions of Executive Order 10628 of Aug. 5, 1955, appear at 20 FR 5741, 3 CFR, 1954-1958 Comp., p. 265, unless otherwise noted.

By virtue of the authority vested in me by Article 56 of the Uniform Code of Military Justice (established by the Act of May 5, 1950, 64 Stat. 107), and as President of the United States, it is hereby ordered as follows:

1. The suspension of limitations upon punishments for violations of Articles 82, 85, 86 (3), 87, 90, 91 (1) and (2), 113, and 115 of the Uniform Code of Military Justice, made by Executive Order No. 10247 of May 29, 1951, is hereby terminated as to offenses committed after the effective date of this order.

2. Punishments for offenses in violation of these Articles by persons under the command of, or within any area controlled by, the Commander-in-Chief, Far East, or any of his successors in command, committed on and after the effective date of this order shall be subject to the limitations prescribed by the Table of Maximum Punishments, paragraph 127c, Manual for Courts-Martial, United States, 1951, as amended by paragraphs 2 and 3 of Executive Order No. 10565 of September 28, 1954.

3. This order shall become effective on the twentieth day after the date thereof.

Executive Order 10631—Code of Conduct for members of the Armed Forces of the United States

SOURCE: The provisions of Executive Order 10631, appear at 20 FR 6057, 3 CFR, 1954-1958 Comp., p. 266, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof.

All members of the Armed Forces of the United States are expected to measure up to the standards embodied in this Code of Conduct while in combat or in captivity. To ensure achievement of these standards.

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members of the armed forces liable to capture shall be provided with specific training and instruction designed to better equip them to counter and withstand all enemy efforts against them, and shall be fully instructed as to the behavior and obligations expected of them during combat or captivity.

[Second paragraph amended by EO 12633 of Mar. 28, 1988, 53 FR 10355, 3 CFR, 1988 Comp., p. 561]

The Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard except when it is serving as part of the Navy) shall take such action as is deemed necessary to implement this order and to disseminate and make the said Code known to all members of the armed forces of the United States.

[Third paragraph amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

CODE OF CONDUCT FOR MEMBERS OF THE UNITED STATES ARMED FORCES

I

I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

[Article I amended by EO 12633 of Mar. 28, 1988, 53 FR 10355, 3 CFR, 1988 Comp., p. 561]

II

I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.

[Article II amended by EO 12633 of Mar. 28, 1988, 53 FR 10355, 3 CFR, 1988 Comp., p. 561]

III

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

IV

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

V

When questioned, should I become a prisoner of war, I am required to give name, rank, service number and date of birth. I will evade answering further questions to the utmost of my ability. I will make no

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oral or written statements disloyal to my country and its allies or harmful to their cause.

[Article V amended by EO 12017 of Nov. 3, 1977, 42 FR 57941, 3 CFR, 1977 Comp., p. 152]

VI

I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

[Article VI amended by EO 12633 of Mar. 28, 1988, 53 FR 10355, 3 CFR, 1988 Comp., p. 561]

Executive Order 10647—Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended

SOURCE: The provisions of Executive Order 10647 of Nov. 28, 1955, appear at 20 FR 8769, 3 CFR, 1954-1958 Comp., p. 282, unless otherwise noted.

By virtue of the authority vested in me by the Defense Production Act of 1950 (64 Stat. 798), as amended (50 U.S.C. App. 2061 *et seq.*), hereinafter referred to as the Act, it is hereby ordered as follows:

PART I—DELEGATION OF AUTHORITY

SECTION 101. (a) There is hereby delegated to the head of each department or agency to whom functions are delegated or assigned under the Act the authority vested in the President by subsection 710(b)(1) of the Act to employ persons of outstanding experience and ability without compensation. The authority delegated by this subsection shall not be redelegated.

(b) There is hereby further delegated to the head of each such department or agency the authority vested in the President by subsection 710(c) of the Act to employ experts and consultants or organizations thereof. The authority delegated by this subsection shall not be redelegated.

SEC. 102. The head of each department or agency to whom authority is delegated by subsections 101(a) and 101(b) of this order shall be guided in the exercise of that authority by the following-described policies:

(a) So far as possible, operations under the Act shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall, so far as possible, be to advisory or consultative positions only.

(b) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(c) In addition to other requirements imposed by this order, the head of the department or agency involved shall, in the appointment of personnel and in assignment of their duties, take steps to avoid, to as great an extent as possible, any conflict between the Government duties and

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the private interests of such personnel between the Government duties and the private interests of such personnel.

SEC. 103. (a) All persons appointed pursuant to the authority delegated by subsection 101(a) of this order, or appointed pursuant to the authority delegated by subsection 101(a) of Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 16, 1951, and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate, full-time Government officials who are responsible for making policy decisions.

(b) All persons appointed pursuant to the authority delegated by subsection 101(b) of this order, or appointed pursuant to the authority delegated by subsection 101(b) of the said Executive Order No. 10182, as amended, and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate persons who are responsible for making policy decisions or who are authorized to make recommendations with respect to policy matters.

PART II—EXEMPTIONS

[Part II revoked by EO 11355 of May 26, 1967, 32 FR 7803, 3 CFR, 1966-1970 Comp., p. 653]

PART III—CERTIFICATIONS, STATEMENTS, AND REPORTS

SEC. 301 (a) Appointments made pursuant to the authority delegated by subsection 101(a) of this order shall be supported by written certification by the head of the employing department or agency:

(1) That the appointment is necessary and appropriate in order to carry out the provisions of the Act;

(2) That the duties of the position to which the appointment is being made require outstanding experience and ability;

(3) That the appointee has the outstanding experience and ability required by the position; and

(4) That the department or agency head has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

(b) The certification required by subsection (a) of this section shall be accompanied by a statement:

(1) Describing the functions under the Act which the appointee is expected to perform and his responsibilities and duties in performing such functions;

(2) Showing why the head of the department or agency has concluded that the duties of the position require outstanding experience and ability;

(3) Showing the appointee's experience and accomplishments which justify the conclusion of the head of the department or agency that the employee has outstanding experience and ability; and

(4) Setting forth a summary of the reasons why the head of the department or agency has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

SEC. 302 (a) The heads of the departments or agencies making appointments pursuant to the authority delegated by subsection 101(a) of this order shall, within thirty days from the date of appointment, file

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with the Federal Register Division for publication in the FEDERAL REGISTER a statement including:

- (1) The name of the appointee;
- (2) The name of the employing department or agency;
- (3) The title of the appointee's position; and
- (4) The name of the appointee's private employer or employers.

(b) All persons appointed pursuant to the authority delegated by subsection 101(a) of this order shall, within thirty days from the date of the appointment, file with the Federal Register Division for publication in the FEDERAL REGISTER a statement listing:

- (1) The names of any corporation of which he is, or within 60 days preceding his appointment has been, an officer or director;
- (2) The names of any corporation in which he owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests;

(3) The names of any partnerships in which he is, or within 60 days preceding his appointment has been, a partner; and

(4) The names of any other businesses in which he owns, or within 60 days preceding his appointment has owned any similar interest.

(c) At the end of each succeeding six-month period, the appointee shall file with the Federal Register Division for publication in the FEDERAL REGISTER a statement showing any changes in such interests during such period.

(d) As used in this section:

(1) The term "owns" or "has owned" refers to any legal or equitable, vested or contingent, interest, however held. The names of corporations, partnerships, or other businesses in which a legal interest is owned by the appointee in a fiduciary capacity shall be listed only when any beneficiary is the spouse, parent, child, brother, or sister of the appointee. The names of corporations, partnerships, or other businesses in which an equitable interest is owned by the appointee shall be listed only when the appointee controls, or participates in the control of, the legal interest. However, the name and nature of the legal interest shall be specified when the appointee owning an equitable interest does not control, or participate in the control of, the legal interest.

(2) The term "other financial interests" includes any direct or indirect interests in the pecuniary profits or contracts of corporations, partnerships, or other businesses, including salaries, commissions, bonuses, options, retirement benefits, severance pay, or like interests, but excludes insurance policies of insurance companies in which the sole interest of the appointee is that policy.

SEC. 303. Persons employed pursuant to the authority delegated by subsection 101(a) or 101(b) of this order may be allowed transportation and not to exceed \$15 per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment. Persons employed pursuant to the authority delegated by subsection 101 (b) of this order may also be compensated at rates not in excess of \$50 per diem.

SEC. 304. All appointments under 710(b)(1) and 710(c) of the Act shall be made under the terms of this order. All persons heretofore appointed under subsection 101(a) of Executive Order No. 10182, as amended by Executive Order No. 10205, who are still employed on the date of this order shall comply with this Part, and, upon compliance,

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shall be deemed for all purposes to have been appointed under this order and to be subject to its provisions, including the provisions of subsections 302(a) and 302(b) relating to statements required thereby, except that statements relating to appointments made under subsection 101(a) of Executive Order No. 10182, as amended shall be filed within thirty days from the date of this order.

SEC. 305 (a) At least once every twelve months the Director of the Office of Personnel Management shall survey appointments made under section 710(b)(1) of the Act. Such survey shall include the following:

(1) A determination whether a statement with respect to each person appointed pursuant to subsection 101(a) of this order has been filed by the head of the department or agency concerned in accordance with the requirements of subsection 302(a) of this order;

(2) A determination whether each person appointed pursuant to the said subsection 101(a) has filed a statement in accordance with the requirements of subsection 302 (b) of this order;

(3) A determination whether each person appointed pursuant to subsection 101(a) of this order who has served six months or more has filed a statement in accordance with the requirements of subsection 302(c) of this order;

(4) A determination whether a statement with respect to each person appointed pursuant to subsection 101(a) of Executive Order No. 10182, as amended by Executive Order No. 10205, has been filed by the head of the department or agency concerned in accordance with the requirements of section 304 of this order;

(5) A determination whether each person appointed pursuant to subsection 101(a) of the said Executive Order No. 10182, as amended, has filed a statement in accordance with the requirements of section 304 of this order; and

(6) An inspection of individual department and agency files to determine whether the certifications and the statements required by subsections 301 (a) and (b), respectively, of this order have been made.

(b) A report of each such survey shall be made by the Director of the Office of Personnel Management to the President and to the Joint Committee on Defense Production and shall include the following:

(1) A statistical report showing the number of appointments made pursuant to the authority in section 101(a) of this order by each department or agency for the twelve-month period covered, the total number of appointees under that authority serving in advisory or consultative positions, and the number of such appointees who are serving in other than consultative or advisory positions;

(2) A list of the names of all appointees for whom the statements required by section 302 of this order have not been filed, and a list of the names of all appointees for whom the certification required by subsection 301(a) of this order has not been made; and

(3) Such comments or recommendations as the Director of the Office of Personnel Management may deem proper.

[Sec. 305 amended by EO 11355 of May 26, 1967, 32 FR 7803, 3 CFR, 1966-1970 Comp., p. 633; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 306. Executive Order No. 10182 of November 21, 1950, and Executive Order No. 10205 of January 16, 1951, are hereby revoked.

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Executive Order 10762—Delegating to the Secretary of Defense the authority of the President to order to active duty members of the Reserve components of the Armed Forces who are in medical, dental, or allied specialist categories and to prescribe regulations governing the appointment, reappointment, and promotion of such members

SOURCE: The provisions of Executive Order 10762 of Mar. 28, 1958, appear at 23 FR 2119, 3 CFR, 1954-1958 Comp., p. 410, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. There is hereby delegated to the Secretary of Defense:

(a) The authority vested in the President by section 4 (f) (1) of the Universal Military Training and Service Act, as added by section 2 of the Act of June 27, 1957 (P.L. 85-62; 71 Stat. 206), to order to active duty (other than for training) for a period of not more than 24 consecutive months, with or without his consent, any member of a reserve component of the armed forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and who has not performed at least one year of active duty (other than for training).

(b) The authority vested in the President by section 5 (c) of the Universal Military Training and Service Act, as added by section 5 of the Act of June 27, 1957 (P.L. 85-62; 71 Stat. 207), to prescribe regulations with respect to the appointment, reappointment, or promotion of any qualified person who (1) is liable for induction or (2) as a member of a reserve component is ordered to active duty as a physician or dentist or in an allied specialist category in the armed forces of the United States.

2. Executive Order No. 10478 of August 5, 1953, as amended by Executive Order No. 10658 of February 15, 1956, is hereby revoked.

Executive Order 10776—Delegating to the Secretary of Defense certain authority of the President relating to the modification of standards and requirements with respect to the induction of persons into the armed forces, and for other purposes

SOURCE: The provisions of Executive Order 10776 of July 28, 1958, appear at 23 FR 5683, 3 CFR, 1954-1958 Comp., p. 420, unless otherwise noted.

By virtue of the authority vested in me by title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4 (a) of the Universal Military Training and Service Act, added by the act of July 28, 1958. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

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Executive Order 10805—Designating the Central Intelligence Agency as excepted from certain provisions of the Government Employees Training Act

SOURCE: The provisions of Executive Order 10805 of Feb. 18, 1959, appear at 24 FR 1301, 3 CFR, 1959-1963 Comp., p. 328, unless otherwise noted.

WHEREAS section 4(b) of the Government Employees Training Act (Public Law 85-507; 72 Stat. 329) authorizes the President to except departments and agencies or any of their employees from that act or any provisions thereof other than sections 4, 21, and 22, whenever he deems such action to be in the public interest; and

WHEREAS I have determined that it would be in the public interest to except the Central Intelligence Agency from certain provisions of that act:

NOW, THEREFORE, by virtue of the authority vested in me by section 4(b) of the Government Employees Training Act, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Central Intelligence Agency is hereby designated as excepted from the following-described provisions of the Government Employees Training Act:

(a) Sections 2(4), 6, 9(b)(1), 11, 12, 15, 16, and 18.

(b) The last sentence of section 5.

(c) That part of section 7 which reads "shall conform, on or after the effective date of the regulations prescribed by the Commission under section 6 of this Act, to the principles, standards, and related requirements contained in such regulations then current,".

(d) That part of section 10 which reads "in accordance with regulations issued by the Commission under authority of section 6(a)(8)."

SEC. 2. [Deleted]

[Sec. 2 amended EO 10800 of Jan. 15, 1959, 24 FR 447, 3 CFR, 1954-1958 Comp., p. 325, which was revoked by EO 11348 of Apr. 20, 1967]

Executive Order 10895—Extension of the provisions for rotation of civilian employees of the Defense Establishment assigned to duty outside the United States

SOURCE: The provisions of Executive Order 10895 of Nov. 25, 1960, appear at 25 FR 10913, 3 CFR, 1959-1963 Comp., p. 425, unless otherwise noted.

By virtue of the authority vested in me by section 1586(f) of title 10 of the United States Code, and as President of the United States, and having determined that such action is necessary in the national interest, it is ordered as follows:

SECTION 1. Assignment of an employee to duty in the State of Alaska or Hawaii under regulations prescribed pursuant to section 1586 of title 10 of the United States Code shall be held and considered, for the purposes of that section, to be an assignment to duty outside the United States.

SEC. 2. The Secretary of Defense shall from time to time, and at least annually, consider the need for continuing this order in effect, and he shall recommend the revocation thereof at such time as he may deem such action advisable.

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Executive Order 10977—Establishing the Armed Forces Expeditionary Medal

SOURCE: The provisions of Executive Order 10977 of Dec. 4, 1961, appear at 26 FR 11471, 3 CFR, 1959-1963 Comp., p. 498, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby established the Armed Forces Expeditionary Medal, with ribbons and appurtenances, for award to personnel of the Armed Forces of the United States who after July 1, 1958:

(a) Participate, or have participated, as members of United States military units in a United States military operation in which personnel of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers; and

(b) Encounter, incident to such participation, foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize.

SEC. 2. The medal, with ribbons and appurtenances, shall be of appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of the military department directly concerned, and by the Secretary of Transportation with respect to the United States Coast Guard, under uniform regulations to be issued by the Secretary of Defense.

[Sec. 2 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 3. The medal shall be awarded only for operations for which no other United States campaign medal is approved. For operations in which personnel of only one military department participate, the medal shall be awarded only if there is no other suitable award available to that department. No more than one medal shall be awarded to any one person, but for each succeeding operation justifying such award a suitable device may be awarded to be worn on the medal or ribbon as prescribed by appropriate regulations.

SEC. 4. The medal may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

Executive Order 10996—Promulgating regulations concerning withholding of compensation of civilian employees of the National Guard for State and State-sponsored employee retirement, disability, or death benefits programs

SOURCE: The provisions of Executive Order 10996 of Feb. 16, 1962, appear at 27 FR 1521, 3 CFR, 1959-1963 Comp., p. 538, unless otherwise noted.

By virtue of the authority vested in me by the act of June 15, 1956, as amended, 75 Stat. 496 (5 U.S.C. 84d), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

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SECTION 1. As used in this order, the term:

(a) "Employees" means civilian employees of the Army National Guard or Air National Guard of a State who are employed pursuant to section 709 of title 32 of the United States Code, and paid from Federal, appropriated funds.

(b) "State" means one of the United States, the Commonwealth of Puerto Rico, and any territory of the United States.

SEC. 2. Each agreement between the Secretary of Defense and the Governor or other proper official of a State, pursuant to the provisions of the act of June 15, 1956, as amended, with respect to withholding of compensation of certain civilian employees of the Army National Guard and the Air National Guard for purposes of State or State-sponsored employee retirement, disability, or death benefits systems, shall be entered into by the Secretary of Defense within one hundred and twenty days of the receipt of a request therefor by the Secretary from the Governor or any other proper official of any State: *Provided*, that—

(a) the law of such State provides for the payment of employee contributions to such State or State-sponsored employee retirement, disability, or death benefits systems by withholding sums from the compensation of such State employees and making returns of such sums to officials of such State or organization designated by such officials to receive sums withheld for such programs;

(b) civilian employees of the Army National Guard and the Air National Guard, other than those employed by the National Guard Bureau, are eligible for membership in a State retirement, disability, or death benefits system; and

(c) each such agreement is consistent with the provisions of the said act of June 15, 1956, as amended, and of rules and regulations issued thereunder, and contains a clause that it shall be subject to any amendments of the said act, including amendments occurring after the effective date of such agreement.

SEC. 3. Each such agreement shall:

(a) Provide that the Secretary of the Army with respect to civilian employees of the Army National Guard, and the Secretary of the Air Force with respect to civilian employees of the Air National Guard, shall comply with the requirements of such State law in the case of employees subject to the said act of June 15, 1956, as amended, who are eligible for membership in such retirement, disability, or death benefits system for State employees;

(b) Specify when the withholding of sums from the compensation of such State employees shall commence; and

(c) Provide for procedures for the withholding, the filing of the returns, and the payment of the sums withheld from compensation to the officials of the State, or organization designated by such officials to receive sums withheld for such programs, which procedures shall conform, so far as practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force, respectively.

SEC. 4. The Secretary of the Army with respect to civilian employees of the Army National Guard, and the Secretary of the Air Force with respect to civilian employees of the Air National Guard, shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold sums from compensation, file required returns, and direct the payment of sums so withheld, in accord-

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ance with the terms of the agreements entered into between the Secretary of Defense and the States.

SEC. 5. Nothing in this order, or in rules or regulations issued thereunder, or in any agreement entered into pursuant thereto, shall be construed as giving consent to the application of any provision of law of any State which has the effect of imposing more burdensome requirements upon the United States than it imposes upon departments, agencies, or political subdivisions of the State concerned, with respect to employees thereof who are members of the State or State-sponsored retirement, disability, or death benefits system, or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability.

SEC. 6. I hereby delegate to the Secretary of Defense authority to prescribe such rules and regulations, not inconsistent herewith, as may be necessary to effectuate further the provisions of the said act of June 15, 1956, as amended, or of this order.

SEC. 7. Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 8. This order supersedes Executive Order No. 10679 of September 20, 1956.

Executive Order 11016—Authorizing award of the Purple Heart

SOURCE: The provisions of Executive Order 11016 of Apr. 25, 1962, appear at 27 FR 4139, 3 CFR, 1959-1963 Comp., p. 596, unless otherwise noted.

WHEREAS General George Washington, at Newburg-on-the-Hudson, on August 7, 1782, during the War of the Revolution, issued an Order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart; and

WHEREAS the award of that decoration ceased with the closing of the War of the Revolution and was revived on February 22, 1932, out of respect to the memory and military achievements of General George Washington, by War Department General Orders No. 3:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. The Secretary of a military department, or the Secretary of Transportation with regard to the Coast Guard when not operating as a service in the Navy, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, to any member of an armed force under the jurisdiction of that department and any civilian national of the United States who, while serving under competent authority in any capacity with an armed force of that department, has been, or may hereafter be, wounded—

(a) in any action against an enemy of the United States;

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(b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(d) as the result of an act of any such enemy or opposing armed force;

(e) as the result of an act of any hostile foreign force;

(f) after March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack for the purposes of this Order by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are wounded in the attack; or

(g) after March 28, 1973, as a result of military operations, while serving outside the territory of the United States as part of a peace-keeping force.

[Para. 1 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691; EO 12464 of Feb. 23, 1984, 49 FR 7099, 3 CFR, 1984 Comp., p. 163]

2. The Secretary of a military department, or the Secretary of Transportation, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, posthumously, to any person covered by, and under the circumstances described in,—

(a) paragraphs 1 (a)-(e) who, after April 5, 1917; or

(b) paragraphs 1 (f)-(g) who, after March 28, 1973,

has been, or may hereafter be, killed, or who has died or may hereafter die after being wounded.

[Para. 2 amended by EO 12464 of Feb. 23, 1984, 49 FR 7099, 3 CFR, 1984 Comp., p. 163]

3. A wound for which the award is made must have required treatment by a medical officer.

4. The Purple Heart shall be forwarded to the next of kin of any person entitled to the posthumous award, without respect to whether a previous award has been made to such person, except that if the award results from service before December 7, 1941, the Purple Heart shall be forwarded to such next of kin upon his application therefor to the Secretary of the department concerned.

5. Except as authorized in paragraph 4, not more than one Purple Heart shall be awarded to any person, but for each subsequent award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations to be issued by the Secretary of the department concerned.

6. When authorized by the Secretary of the department concerned, the award of the Purple Heart may be made by subordinate military commanders, or such other appropriate officers as the Secretary concerned may designate.

7. The Secretary of the department concerned may prescribe such regulations as he considers appropriate to carry out this order. The regulations of the Secretaries of the departments with respect to the award

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of the Purple Heart shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

8. This order supersedes Executive Order No. 10409 of November 12, 1952, entitled "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast Guard of the United States". However, existing regulations prescribed pursuant to that order, together with regulations prescribed under the authority of General Orders No. 3, War Department, February 22, 1932, shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed by the Secretary of the department concerned under this order.

Executive Order 11046—Authorizing award of the Bronze Star Medal

SOURCE: The provisions of Executive Order 11046 of Aug. 24, 1962, appear at 27 FR 8573, 3 CFR, 1959-1963 Comp., p. 630, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of Transportation with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate, to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight—

- (a) while engaged in an action against an enemy of the United States;
- (b) while engaged in military operations involving conflict with an opposing foreign force; or
- (c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

[Para. 1 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

2. The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

3. No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

4. The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the

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deceased as may be deemed appropriate by the Secretary of the department concerned.

5. This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled "Bronze Star Medal". However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

Executive Order 11079—Providing for the prescribing of regulations under which members of the Armed Forces and others may accept fellowships, scholarships, or grants

SOURCE: The provisions of Executive Order 11079 of Jan. 25, 1963, appear at 28 FR 819, 3 CFR, 1959-1963 Comp., p. 701, unless otherwise noted.

By virtue of the authority vested in me by Section 2603 of Title 10, United States Code, I hereby designate the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, the Secretary of Transportation, with respect to members of the Coast Guard when it is not operating as a service in the Navy, and the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, to prescribe regulations under which members of the Armed Forces and commissioned officers of the Public Health Service may accept fellowships, scholarships, or grants from corporations, funds, foundations, or educational institutions organized and operated primarily for scientific, literary, or educational purposes. To the extent practicable, such regulations shall be uniform.

[EO 11079 amended by EO 11382 of Nov. 28, 1967, 3 CFR, 1966-1970 Comp., p. 691; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11137—Relating to certain allowances and benefits for civilian employees of nonappropriated fund instrumentalities of the Armed Forces

SOURCE: The provisions of Executive Order 11137 of Jan. 7, 1964, appear at 29 FR 223, 3 CFR, 1964-1965 Comp., p. 174, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and by the various provisions of law cited in the body of this order, and as President of the United States, it is ordered as follows:

PART I—ALLOWANCES AND DIFFERENTIALS IN FOREIGN AREAS

SECTION 101. The term "employee", as defined in 5 U.S.C. 5921(3), is hereby further defined as including civilian employees, compensated from nonappropriated funds, of the instrumentalities of the United States under the jurisdiction of the armed forces covered by 5 U.S.C. 2105(c).

[Sec. 101 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

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SEC. 102. The Secretary of each military department with respect to his department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by 5 U.S.C. 5922(c) to prescribe regulations governing payments of allowances and differentials in foreign areas to the extent that the said authority is in respect of employees referred to in Section 101 of this order whose rates of basic compensation from nonappropriated funds are fixed in accordance with regulations prescribed by the Secretary concerned.

[Sec. 102 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 103. Regulations prescribed under authority delegated by the provisions of Section 102 hereof:

(a) Shall, so far as practicable, be uniform.

(b) In the case of regulations prescribed by the Secretaries of the military departments, shall require the approval of the Secretary of Defense.

(c) Shall not, with respect to any locality, authorize allowances or differentials which exceed those prescribed under Executive Order No. 10903 of January 9, 1961, for other employees of the United States in the same locality.

SEC. 104. Executive Order No. 10903 of January 9, 1961, is hereby modified to the extent of the definition and the delegations of authority contained in Sections 101 and 102 hereof.

PART II—COST OF LIVING ALLOWANCES IN CERTAIN NONFOREIGN AREAS

SEC. 201. The Secretary of Defense with respect to the military departments, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by paragraph (2) of Section 912 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 912(2)), to approve the regulations there contemplated to the extent that the said regulations are in respect of the payment of cost-of-living allowances to employees, compensated from nonappropriated funds, of instrumentalities of the United States under the jurisdiction of the armed forces covered by 5 U.S.C. 2105(c), who are stationed outside the continental United States or in Alaska.

[Sec. 201 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 202. Regulations approved under authority delegated by the provisions of Section 201 hereof:

(a) Shall, so far as practicable, be uniform.

(b) Shall not apply to employees who are stationed in either the Canal Zone or in any "foreign area" as defined in 5 U.S.C. 5921(6).

(c) Shall be limited to employees whose rates of basic compensation are fixed in conformity with rates paid by the Government for work of

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1 comparable level of difficulty and responsibility to employees stationed in the continental United States exclusive of Alaska.

(d) Shall not, with respect to any locality, authorize allowances which exceed those prescribed under Executive Order No. 10000 of September 16, 1948, as amended, for other employees of the United States in the same locality.

[Sec. 202 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 692]

PART III—GENERAL PROVISIONS

SEC. 301. All actions heretofore taken by the President or his delegate with respect to the matters affected by this order, and in effect at the time of the issuance of this order, including any regulations prescribed or approved by the President or his delegate with respect to such matters, shall, except as they are inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to appropriate authority.

SEC. 302. This order, and the regulations prescribed or approved under the authority thereof, shall be published in the FEDERAL REGISTER.

Executive Order 11139—Authorizing acceptance of the United Nations Medal and Service Ribbon

SOURCE: The provisions of Executive Order 11139 of Jan. 7, 1964, appear at 29 FR 227, 3 CFR, 1964-1965 Comp., p. 177, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of the Treasury, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations under which the United Nations Medal and Service Ribbon may be accepted by members of the armed forces who have been determined eligible for consideration in accordance with the Regulations for the United Nations Medal, promulgated by the United Nations Organization on July 30, 1959. A determination that service with the United Nations in a particular geographic area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the United Nations Medal and Service Ribbon by eligible members of the armed forces of the United States shall be made with the concurrence of the Secretary of State.

Executive Order 11157—Prescribing regulations relating to incentive pay for hazardous duty, special pay for sea duty and duty at certain places, basic allowances for subsistence and basic allowances for quarters

SOURCE: The provisions of Executive Order 11157 of June 22, 1964, appear at 29 FR 7973, 3 CFR, 1964-1965 Comp., p. 200, unless otherwise noted.

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By virtue of the authority vested in me by sections 301 (a) and (f), 305(a), 402(f), and 403(g) of title 37 of the United States Code and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I—INCENTIVE PAY FOR HAZARDOUS DUTY

SECTION 101. For the purposes of these regulations:

(a) The term "aerial flight" shall be construed to mean flight in an aircraft, glider, or spacecraft; and a flight shall be deemed to begin when the aircraft, glider, or spacecraft takes off from rest at any point of support located on the surface of the earth and to terminate when it next comes to a complete stop at a point of support located on the surface of the earth.

(b) The term "aviation accident" shall be construed to mean an accident in which a member who is required to participate frequently and regularly in aerial flight is injured or otherwise incapacitated as the result, as attested by the appropriate medical authority of the uniformed service concerned, of (1) jumping from, being thrown from, or being struck by, an aircraft, glider, or spacecraft, or any part or auxiliary thereof, or (2) participation in any duly authorized aerial flight or other aircraft, glider, or spacecraft operations.

[Sec. 101 amended by EO 11424 of Aug. 29, 1968, 33 FR 12361, 3 CFR, 1966-1970 Comp., p. 744]

SEC. 102. Under such regulations as the Secretary concerned may prescribe, any member of the uniformed services, including members assigned to special, administrative, or school duties, may be required by competent orders to perform hazardous duty.

SEC. 103. (a) Each member who is required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall make the flights required as a crew member or as a non-crew member as directed by competent authority.

(b) Determinations as to what constitutes duty as a crew member and duty as a non-crew member shall be made in accordance with regulations prescribed by the Secretary concerned: *Provided*, That such determinations shall be uniform for all the services to the fullest extent practicable.

SEC. 104. Under such regulations as the Secretary concerned may prescribe, members who are required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall be required to meet the following minimum flight requirements, except as otherwise provided in section 110 hereof, in order to be entitled to receive monthly incentive pay for the performance of hazardous duty.

(a) Minimum flight requirements for members on active duty who may qualify for incentive pay under the provisions of section 301(a) of title 37, United States Code:

(1) During one calendar month: 4 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the aerial flight requirement for that month.

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(2) During any two consecutive calendar months when the requirements of clause (1) above have not been met: 8 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of clause (2) above have not been met: 12 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(6) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, certifies that on account of military operations of the particular command or on account of the unavailability of aircraft such member was unable to perform the aerial flights required by this section, such member may comply with the minimum flight requirements by performing at least 24 hours of aerial flight over a period of six consecutive calendar months, and such requirements may be met at any time during such period.

(b) Minimum flight requirements for members of reserve components of the uniformed services on inactive-duty training who may qualify for incentive pay under the provisions of section 301(f) of title 37, United States Code:

(1) During one calendar month: 2 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the aerial flight requirement for that month.

(2) During any two consecutive calendar months, when the requirements of clause (1) above have not been met: 4 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of clause (2) above have not been met: 6 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(c) Minimum flight requirements for members of reserve components of the uniformed services who perform both active-duty and inactive-duty training during the same calendar month and who may qualify for incentive pay under the provisions of both sections 301(a) and 301(f) of title 37 of the United States Code:

(1) For periods of active duty, those prescribed by clause (4) of subsection (a) of this section.

(2) For periods of inactive-duty training, those prescribed by clause (4) of subsection (b) of this section.

However, the total flight requirements as determined by clauses (1) and (2) of this subsection may be met at any time during such calendar month.

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- (i) on inactive-duty training, or
- (ii) on active-duty and inactive-duty training

if the inactive-duty flight requirement for such month has been met.

[Sec. 104 amended by EO 11292 of Aug. 1, 1966, 31 FR 10447, 3 CFR, 1966-1970 Comp., p. 567; EO 11728 of July 12, 1973, 38 FR 18861, 3 CFR, 1971-1975 Comp., p. 786]

SEC. 105. Members shall not be entitled to receive incentive pay for participation in aerial flights for any period while suspended from such participation, unless such suspension is subsequently removed and the minimum flight requirements prescribed in section 104 hereof have been complied with, except as otherwise provided in sections 110 and 114.

[Sec. 105 amended by EO 11929 of July 26, 1976, 41 FR 31159, 3 CFR, 1976 Comp., p. 137]

SEC. 106(a) As determined by the Secretary of the Navy, a member who is entitled to basic pay, who holds or is in training leading to a submarine duty designator, and who is in and remains in the submarine service on a career basis, is entitled to continuous monthly submarine duty incentive pay, subject to the performance of the required number of years of operational submarine duty (37 U.S.C. 301c(a)(3)-(4)), except as provided by 37 U.S.C. 301c(c).

(b) As determined by the Secretary of the Navy, a member who is entitled to basic pay but is not entitled to continuous monthly submarine duty incentive pay is entitled to submarine duty incentive pay for any period during which such member performs frequent and regular operational submarine duty required by orders.

(c) To the extent provided for by appropriations, a member of the Naval Reserve who is entitled to compensation under Section 206 of Title 37 of the United States Code, and who performs, under orders, duty on a submarine during underway operations, is eligible for an increase in such compensation equal to one-thirtieth of the monthly submarine duty incentive pay for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay when those orders specify such increased entitlement. Such member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

(d) The Secretary of the Navy is hereby designated and empowered to issue additional implementing regulations with respect to entitlement of regular and reserve officers and enlisted members of the Navy to submarine duty incentive pay, or continuous monthly submarine duty incentive pay.

[Sec. 106 amended by EO 12380 of Aug. 18, 1982, 47 FR 36605, 3 CFR, 1982 Comp., p. 206]

SEC. 107. (a) Members who are qualified as glider personnel under such regulations as the Secretary concerned may prescribe, or who are undergoing training for such qualification, and who are required by competent orders to participate frequently and regularly in glider flights shall be required to perform one or more glider flights, without regard to duration thereof, during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(b) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by com-

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petent orders to participate frequently and regularly in glider flights certifies that on account of the absence or inadequacy of glider equipment or towing aircraft or other means of propulsion, or on account of military operations of the particular command, such member was unable to perform the glider flights required by this section, such member may comply with the minimum flight requirements by performing four or more glider flights, without regard to duration thereof, during a period of 12 consecutive calendar months, and such requirements may be met at any time during such period.

(c) Members of reserve components of the uniformed services who have complied with the requirement prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

SEC. 108. (a) As used in section 301(a) of title 37 of the United States Code, the term "duty involving parachute jumping as an essential part of military duty" shall be construed to mean duty performed by members who, under such regulations as the Secretary concerned may prescribe, have received a rating as a parachutist or parachute rigger, or are undergoing training for such a rating, and who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight.

(b) Members required by competent orders to engage in parachute jumping shall be required to perform one or more parachute jumps from an airplane in flight during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(c) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate in parachute jumping certifies that on account of the absence of jump equipment or aircraft or on account of military operations of the particular command such member was unable to make the jumps required by this subsection, such member may comply with the minimum requirements by performing four jumps during a period of 12 consecutive calendar months, and such requirements may be met at any time during such period. The minimum requirements may be waived by the commanding officer of a member for any period that the member is unable to perform the required jumps by reason of being engaged in combat operations in a hostile fire area designated under Section 310 of Title 37 of the United States Code.

(d) Members of reserve components of the uniformed services who have complied with the requirements prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

[Sec. 108 amended by EO 11259 of Dec. 3, 1965, 30 FR 15057, 3 CFR, 1964-1965 Comp., p. 362]

SEC. 109. As used in section 301(a) of title 37 of the United States Code—

(a) The term "duty involving intimate contact with persons afflicted with leprosy" shall be construed to mean duty performed by any member who is assigned by competent orders to a leprosarium for the performance of duty for a period of 30 days or more or for a period of instruction, whether or not such leprosarium is under the jurisdiction of one of the uniformed services.

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(b) The term "duty involving the demolition of explosives" shall be construed to mean duty performed by members who, pursuant to competent orders and as a primary duty assignment (1) demolish by the use of explosives objects, obstacles, or explosives, or recover and render harmless, by disarming or demolition, explosives which have failed to function as intended or which have become a potential hazard; (2) participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in clause (1) hereof, provided that live explosives are used in such training; (3) participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in clause (1) hereof, provided that live explosives are used in such training; or (4) experiment with or develop tools, equipment, or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used.

(c) The term "duty inside a high- or low-pressure chamber" shall be construed to mean duty performed within pressure chambers at physiological facilities by members assigned to that duty.

(d) The term "duty as human acceleration or deceleration experimental subject" shall be construed to mean duty performed by members exposed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

(e) The term "duty as human test subject in thermal stress experiments" shall be construed to mean duty performed by members exposed as human thermal experimental subjects in thermal stress experiments conducted under the supervision of any laboratory designated by the Secretary concerned.

(f) The term "duty involving frequent and regular participation in flight operations on the flight deck of an aircraft carrier or of a ship other than an aircraft carrier from which aircraft are launched" shall be construed to mean duty performed by members who are designated for and ordered to such duty by competent authority from among the crew of a ship from which aircraft are launched or an aviation unit operating from that type of ship, and who, in any calendar month (1) participate in flight operations on the flight deck during a minimum of four days, or (2) participate, on the flight deck, in a minimum number of aircraft launches or recoveries, or both, that is prescribed by the Secretary concerned as the equivalent of participation under clause (1). No member shall be entitled, however, to receive the pay provided for in this subsection if, during any month or portion thereof, he is also eligible to receive incentive pay for other hazardous duty under the provisions of Section 301 of Title 37, United States Code.

(g) The term "duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" shall be construed to mean duty performed by members as a primary duty that requires (1) removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30 percent water, 70 percent hydrazine); (2) participation by those personnel performing duties described in (g)(1) who must also participate in an emergency response force, spill containment, or spill cleanup involving H-70 propellant (30 percent water, 70 percent hydrazine); (3) handling and maintaining the liquid propellants (liquid oxidizer-nitrogen tetroxide; unsymmetrical dimethyl hydrazine)

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used in the Titan weapon system, if such duty requires qualification in the use of the Rocket Fuel Handler's Clothing Outfit and involves (A) launch duct operations, including flow, pressurization, on-load, set-up or tear down involving propellant transfer operations; (B) set-up, installation or tear down for fuel/oxidizer flow; (C) decontamination of equipment, including, but not limited to, the Rocket Fuel Handler's Clothing Outfit; (D) venting or pressurizing missile fuel or oxidizer tanks; (E) removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants; (F) transferring propellants between commercial and military holding trailers, or between holding trailers and fuel/oxidizer pump rooms; or normal preventive maintenance activities including, but not limited to, seal changes; (4) handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid, used in the LANCE missile system; (5) handling, transporting or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab (AFRPL) who (A) directly manage and inspect the activities of crew members conducting operations involving experimental rocket propulsion systems and components; (B) directly monitor and set up measurement instruments in operational areas where contamination is suspected or may be physically present; (C) install and remove instrumentation devices from propulsion systems and components; (D) perform final test preparation and immediate safety inspection duties around pressurized, active systems during prerun and postrun test periods; or, (E) install and repair electrical systems; (6) handling, loading/unloading and transporting toxic fuels and oxidizers at the precision sled track while working with the liquid rocket sled, which uses JP-X (a mixture of jet fuel (JP-4) and unsymmetrical dimethyl hydrazine) and red-fuming nitric acid and a propulsion; or (7) involvement with other toxic substances contained in missile or aircraft weapon system fuels or propellants as determined by the Secretary concerned. The entitlement to the pay provided for in this subsection is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the pay provided for in this subsection may be construed as indicating that any person entitled to such pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, Executive order, rule, or regulation relating to health or safety which is applicable to the uniformed services.

(h) The term "duty involving frequent and regular exposure to highly toxic pesticides" shall be construed to mean duty performed by members who, while under competent orders assigning such members to the entomology, pest control, pest management, or preventive medicine functions of a uniformed service for a period of 30 consecutive days or more, are required to perform in any calendar month a fumigation task utilizing (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high acute toxicity and hazard potential. The use of solid fumigant formulations, such as aluminum phosphide, magnesium phosphide and calcium cyanide, in the

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outdoor control of burrowing animals does not qualify a member for incentive pay under this subsection.¹

(i) The term "duty involving laboratory work that utilizes live dangerous viruses or bacteria" shall be construed to mean primary duty performed by members who work with micro-organisms (1) that cause disease (A) with a high potential for mortality, and (B) for which effective therapeutic procedures are not available, and (2) for which no effective prophylactic immunization exists, while such members are assigned by competent orders for a period of 30 consecutive days or more to participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments.

(j) The term "the handling of chemical munitions (or components of such munitions)" shall be construed to mean duty performed by members as a primary duty which routinely requires (1) direct physical handling of toxic chemical munitions incident to storage, maintenance, testing, surveillance, assembly, disassembly, demilitarization, or disposal of said munitions; (2) direct physical handling of chemical surety material, as defined by the Secretary concerned, incident to manufacture, storage, testing, laboratory analysis, detoxification, or disposal of said material; (3) direct physical handling of toxic chemical munitions incident to technical escort of shipments of said munitions; (4) direct physical handling of chemical surety material, as defined by the Secretary concerned incident to technical escort of shipments of said material. The term does not include the handling of the individual components of binary chemical agents or munitions. The term does not include user handling incident to loading, firing, or otherwise launching the toxic chemical munitions nor field storage operations during hostilities. The term also excludes the handling of Research, Development, Testing and Evaluation Dilute Solutions of toxic chemicals as defined by the Secretary concerned. It also excludes the handling of riot control agents, chemical defoliants and herbicides, smoke, flame and incendiaries, and industrial chemicals. The entitlement to the pay provided for in this subsection is based upon the performance of such duty that has the potential for accidental exposure to chemical agents and not upon actual quantifiable exposure to such agents. Therefore, neither the construction of the term nor the receipt of pay provided for in this subsection may be construed as indicating that any person entitled to such pay actually has been exposed to chemical agents contrary to the provisions of any statute, executive order, rule, or regulations relating to the health and safety which is applicable to the uniformed services.²

[Sec. 109 amended by EO 12394 of Nov. 18, 1982, 47 FR 52405, 3 CFR, 1982 Comp., p. 231; EO 12420 of May 11, 1983, 48 FR 21525, 3 CFR, 1983 Comp., p. 189; EO 12488 of Sept. 27, 1984, 49 FR 38525, 1984 Comp., p. 221; EO 12494 of Dec. 6, 1984, 49 FR 48175, 3 CFR, 1984 Comp., p. 229; EO 12573 of Nov. 16, 1986, 51 FR 40954, 3 CFR, 1986 Comp., p. 240]

¹ EDITORIAL NOTE: The last sentence of section 109(h), added by Executive Order 12573 of Nov. 6, 1986, was effective Oct. 1, 1985.

² EDITORIAL NOTE: Section 109(j), added by Executive Order 12573 of Nov. 6, 1986, was effective Nov. 6, 1985.

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SEC. 110. Any member who is required by competent orders to perform hazardous duty, or multiple hazardous duties, and who becomes injured or otherwise incapacitated as a result of the performance of any such hazardous duty, by aviation accident or otherwise, shall be deemed to have fulfilled all of the requirements for the performance of all hazardous duties which he is required by competent orders to perform, for a period not to exceed three months following the date as of which such incapacity is determined by the appropriate medical authority.

SEC. 111. Members required by competent orders to perform hazardous duty shall, upon compliance with the requirements of these regulations, be entitled to receive incentive pay during authorized leaves of absence.

SEC. 112. Under such regulations as the Secretary concerned may prescribe, a member who performs multiple hazardous duties under competent orders may be paid not more than two payments of incentive pay for a period of time during which he qualifies for more than one such payment. Dual payments of incentive pay shall be limited to those members who are required by competent orders to perform specific multiple hazardous duties in order to carry out their assigned missions.

SEC. 113. The Secretaries concerned are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

SEC. 114. Under such regulations as the Secretary of Defense and the Secretary of Transportation may prescribe with respect to enlisted members within their respective jurisdictions, any enlisted member who has been required by competent orders to perform duty as a crew member involving frequent and regular participation in aerial flight shall, if he is involuntarily removed from the performance of that duty, under circumstances prescribed by such regulations with less than 120 days' advance notice, be deemed to have fulfilled all of the requirements for payment of incentive pay under section 301(a)(1) or (f) of title 37 of the United States Code, for that duty for up to 120 days after the date on which he was notified of such removal.

[Sec. 114 added by EO 11929 of July 26, 1976, 41 FR 31159, 3 CFR, 1976 Comp., p. 137]

PART II—SPECIAL PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES

SEC. 201(a). The following members of a uniformed service who are entitled to receive basic pay shall be entitled to receive, additionally, career sea pay while on sea duty:

- (1) enlisted members who are in pay grade E-4 or above,
- (2) warrant officers,
- (3) commissioned officers in pay grade O-3 or above who have over three years of sea duty, and
- (4) commissioned officers in pay grades O-1 and O-2 with at least four years active service as enlisted members or as noncommissioned warrant officers and over three years of sea duty.

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(b) The period of sea duty shall include the date of reporting and the date of detachment as stated in orders. Career sea pay shall be at the rates prescribed in Section 305a of Title 37 of the United States Code.

[Sec. 201 amended by EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251; EO 12274 of Jan. 16, 1981, 46 FR 5855, 3 CFR, 1981 Comp., p. 100]

SEC. 202. A member of a uniformed service who is entitled to career sea pay and who has served 36 consecutive months of sea duty as such period is computed under regulations of the Secretary concerned, is entitled to a monthly career sea pay premium for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty service by such member when such member is entitled to career sea pay. In the regulations published by the Secretary concerned, the term "consecutive months of sea duty" may be defined to include periods during which a member is serving in or under orders to duties, service in which qualifies the member for career sea pay, either periodically or continuously during assignment to such duties. Examples of such periods are periods of service as a member of a two crewed submarine or fleet aviation units assigned to ships, or periods for training, hospitalization, or other periods of a similar nature.

[Sec. 202 amended by EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251; EO 12274 of Jan. 16, 1981, 46 FR 5855, 3 CFR, 1981 Comp., p. 100]

SEC. 203. The Secretaries concerned (within the meaning of section 101(5) of title 37, United States Code) with respect to personnel of the uniformed service within their respective departments, are hereby authorized they may deem necessary or desirable for carrying out the provisions of sections 305 and 305a of title 37 and this executive Order. Such regulations shall be uniform for all the services to the fullest extent possible.

[Sec. 203 amended by EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251]

SEC. 204. Enlisted members entitled to receive basic pay shall be entitled to receive, additionally, pay at the rates prescribed by section 305(a) of title 37 of the United States Code while on duty at places that are outside the 48 contiguous States and the District of Columbia and that are designated for this purpose by the Secretary of Defense or, in the case of enlisted members of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation. Subject to provisions of section 305 of title 37 of the United States Code, an enlisted member who is permanently assigned to duty at a place so designated is entitled to receive that pay during a period of authorized leave, temporary additional duty, temporary duty, or hospitalization or while on an operational aircraft flight, but not more than 30 days while he is away from that place.

Enlisted members shall be entitled to special pay under this section when attached to ships undergoing repair and overhaul in designated foreign-duty areas for extended periods when entitlement to special pay for sea duty has been terminated. Such enlisted members shall be entitled to special pay for sea duty under the same conditions as an enlisted member on temporary additional duty or temporary duty in that designated foreign-duty area.

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[Sec. 204 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691; EO 11897 of Jan. 13, 1976, 41 FR 2071, 3 CFR, 1976 Comp., p. 84; EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251]

SEC. 205. Unless otherwise entitled to special pay in accord with the second sentence of section 204 hereof, during periods spent on temporary additional duty or temporary duty or on operational aircraft flights, pay in accord with section 204 shall accrue to enlisted members only for periods of eight continuous days or more in duration at one or more places designated, including the dates of arrival at and the dates of departure from those places.

[Sec. 205 amended by EO 11897 of Jan. 13, 1976, 41 FR 2071, 3 CFR, 1976 Comp., p. 84; EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251]

SEC. 206. (a) No enlisted member shall be entitled under this order to receive both career sea pay and pay for duty prescribed in sections 204 and 205 hereof for the same period of time.

[Sec. 206 amended by EO 11292 of Aug. 1, 1966, 31 FR 10447, 3 CFR, 1966-1970 Comp., p. 567; EO 12274 of Jan. 16, 1981, 46 FR 5855, 3 CFR, 1981 Comp., p. 100]

SEC. 207. [Deleted]

SEC. 208. [Deleted]

[Secs. 207 and 208 deleted by EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251]

PART III—BASIC ALLOWANCES FOR SUBSISTENCE

SEC. 301. Enlisted members who are being subsisted in kind in a mess and whose duties require them to be absent from their station during one or more meals shall be entitled for each such meal to a pro-rated share of the daily basic allowance for subsistence authorized for members on duty at stations where rations in kind are not available. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce are hereby authorized to establish the amount of the pro-rated share of the daily basic allowance for subsistence applicable to each one of the three daily meals, which amount shall be uniform for all the services concerned. The total of the amounts of the shares for the three daily meals shall not exceed the amount of the basic daily allowance for subsistence authorized by section 402 of title 37 of the United States Code.

[Sec. 301 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 302. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services with respect to the personnel of the uniformed services within their respective agencies, are hereby authorized, subject to the provisions of section 303 hereof, to prescribe such supplemental regulations, not inconsistent herewith, as they may deem necessary or desirable for carrying out the provisions of this part and of the said section 402 of title 37 of the United States Code: *Provided*, That such regulations shall be uniform so far as practicable for all the services concerned.

[Sec. 302 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

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SEC. 303. As used in regulations prescribed pursuant to section 302 hereof, those terms of the said section 402 of title 37 of the United States Code which are quoted in the subsections of this section shall have the meaning or application stated with respect thereto:

(a) The term "entitled to receive basic pay" shall be considered applicable to members while they are on the active list or while they are required to perform duty in accordance with law for which they are entitled to basic pay: *Provided*, that such term shall not be applicable to any member while absent from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "when rations in kind are not available" shall be considered applicable in the case of enlisted members on duty at stations where it is determined, in accordance with regulations prescribed pursuant to section 302 hereof, that it is impracticable for subsistence in kind to be furnished by the United States.

(c) The term "when permission to mess separately is granted" shall be considered applicable in the case of enlisted members on duty at stations or while sick in hospitals where a mess for subsisting enlisted members is available and when such enlisted members are authorized to subsist themselves independently. Such term shall also be considered applicable in the case of enlisted members during all periods of authorized leave, including periods of leave or delay while en route between duty stations.

(d) The term "when assigned to duty under emergency conditions where no messing facilities of the United States are available" shall be considered applicable in the case of enlisted members assigned to duty under conditions requiring extraordinary expenses for subsistence as determined in accordance with regulations prescribed pursuant to section 302 hereof.

(e) the term "field duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service by a member when the member is subsisted in a Government mess or with an organization drawing field rations, and—

(1) the member is under orders with troops operating against an enemy, actual or potential; or

(2) the member is serving with troops on maneuvers, war games, field exercises, or similar types of operations.

(f) the term "sea duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service performed by a member in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities.

[Sec. 303 amended by EO 12337 of Jan. 11, 1982, 47 FR 1367, 3 CFR, 1982 Comp., p. 119]

PART IV—BASIC ALLOWANCES FOR QUARTERS

SEC. 401. As used in this part:

(a) The term "entitled to receive basic pay" shall apply to a member while on the active list or while required to perform duty in accordance with law for which he is entitled to basic pay: *Provided*, that such term shall not apply to any member while absent from duty under con-

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ditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "field duty" shall mean service by a member under orders with troops operating against an enemy, actual or potential, or service with troops on maneuvers, war games, field exercises, or similar types of operations.

(c) The term "sea duty" shall mean service performed by either an officer or enlisted member in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities. Duty for less than three months is not considered sea duty. Duty for more than three months under temporary orders which provide for return to the member's same permanent station is not considered sea duty.

(d) The term "permanent station" shall mean the place on shore where a member is assigned to duty, or the home yard or the home port of a ship in which a member is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where a member is assigned and in fact occupies, with his dependents, if any, quarters under the jurisdiction of any of the uniformed services shall also be deemed during such occupancy to be his permanent station: *Provided*, That in the case of members of the National Guard, the Air National Guard or reserve components of any of the uniformed services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for the purposes of these regulations.

(e) The term "deployed" shall apply to time during which the unit is at sea or in a port more than 50 miles from its home port; provided, however, time during which the unit is in a port for overhaul or extended repairs is not to be considered deployed time. Unanticipated overhauls or extended repairs which occur during a period scheduled as extended deployment in the mission assignment of the ship is time deployed unless otherwise classified by appropriate command authority.

[Sec. 401 amended by EO 12094 of Nov. 1, 1978, 43 FR 51379, 3 CFR, 1978 Comp., p. 251; EO 12274 of Jan. 16, 1981, 46 FR 5855, 3 CFR, 1981 Comp., p. 100; EO 12541 of Dec. 30, 1985, 51 FR 577, 3 CFR, 1985 Comp., p. 400]

SEC. 402. Except as otherwise by statute heretofore or hereafter provided, a member shall be entitled to payment of basic allowances for quarters, in accordance with these regulations and any regulations prescribed pursuant hereto, during such time or times as he is entitled to receive basic pay.

SEC. 403. (a) Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (1) by a member and his dependents, or (2) by a member without dependents, or (3) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy (A) occurs while such member is in a duty or leave status incident to a change of permanent station and is of a temporary nature under standards prescribed by regulations issued by

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the Secretary of Defense in the case of members of the Army, Navy, Air Force, or Marine Corps, and the reserve components thereof, or by the appropriate Secretary in the case of members of the other uniformed services, or (B) occurs while such member is in a duty or leave status not incident to a change of permanent station and does not exceed seven consecutive days at one location: *Provided*, That occupancy of quarters under such circumstances for a period in excess of such 7-day period or such other temporary period as may be authorized under standards prescribed by regulations issued by the Secretary concerned shall not result in a forfeiture of basic allowance for quarters for such 7-day or other authorized period: *Provided further*, That this paragraph shall not apply to occupancy of quarters as a guest of another member.

(b) Whenever the President exercises his authority under Section 1009(c) of Title 37 of the United States Code, to allocate up to 25 percent of certain increases in basic pay to basic allowances for quarters, a member without dependents who, under Section 403 (b) or (c) of that title, is not entitled to a basic allowance for quarters shall become entitled to a portion of such basic allowance for quarters. The amount of such partial basic allowance for quarters shall equal the amount of any increases in basic pay which are allocated by the President to the basic allowance for quarters.

(c) For purposes of Section 403 of Title 37 of the United States Code, a member shall be deemed to be living in a "high housing cost area" whenever the average monthly cost of housing, including utilities for housing appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member.

(d) During fiscal year 1981, members may be paid variable housing allowance as permitted by Section 4(c) of the Military Personnel and Compensation Amendments of 1980 (94 Stat. 1125; Public Law 96-343, 37 U.S.C. 403 note); a member shall be deemed to be living in a "high housing cost area" whenever the estimated average monthly cost of housing, including utilities, appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member.

[Sec. 403 amended by EO 11511 of Feb. 27, 1970, 35 FR 3877, 3 CFR, 1966-1970 Comp., p. 897; EO 11591 of Apr. 23, 1971, 36 FR 7833, 3 CFR, 1971-1975 Comp., p. 558; EO 11939 of Sept. 30, 1976, 41 FR 43705, 3 CFR, 1976 Comp., p. 149; EO 12243 of Oct. 1980, 45 FR 66439, 3 CFR, 1980 Comp., p. 284]

SEC. 404. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy quarters of the United States designated for members without dependents without affecting his right to receive payment of basic allowances for quarters, if permitted or required to occupy quarters at such station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

SEC. 405. A member away from his permanent station may occupy quarters of the United States designated for members without dependents

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ents at his temporary duty station without affecting his right to receive payment of basic allowances for quarters or assignment of quarters, if any, at his permanent station. Under such circumstances a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

SEC. 406. A member serving outside the United States, its territories, or possessions in a duty assignment which has official or diplomatic responsibilities involving officials of foreign governments may be assigned quarters in excess of the minimum standards set forth in sections 404 and 405 hereof, as prescribed by the Secretary concerned: *Provided*, That no such quarters shall be available on a continuous basis for single occupancy, if such quarters are otherwise adequate for assignment as family housing to members of similar rank.

SEC. 407. The Secretaries concerned (within the meaning of section 101(5) of title 37 of the United States Code), with respect to personnel of the uniformed services within their respective departments, are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

SEC. 408. [Deleted]

[Sec. 408 deleted by EO 12274 of Jan. 16, 1981, 46 FR 5855, 3 CFR, 1981 Comp., p. 100]

PART V—GENERAL PROVISIONS

SEC. 501. For the purposes of these regulations, the terms defined in sections 101 and 401 of title 37 of the United States Code shall have the meanings prescribed therein.

SEC. 502. The following Executive orders are revoked:

- (a) Executive Order No. 10119 of March 27, 1950.
- (b) Executive Order No. 10152 of August 17, 1950.
- (c) Executive Order No. 10168 of October 11, 1950.
- (d) Executive Order No. 10204 of January 15, 1951.
- (e) Executive Order No. 10605 of April 22, 1955.
- (f) Executive Order No. 10618 of June 28, 1955.
- (g) Executive Order No. 10681 of October 22, 1956.
- (h) Executive Order No. 10739 of November 15, 1957.
- (i) Executive Order No. 10821 of May 20, 1959.
- (j) Executive Order No. 10892 of November 8, 1960.
- (k) Executive Order No. 10989 of January 22, 1962.
- (l) Executive Order No. 11120 of October, 1963.
- (m) Executive Order No. 11146 of March 13, 1964.

Executive Order 11190—Providing for the screening of the Ready Reserve of the Armed Forces

SOURCE: The provisions of Executive Order 11190 of Dec. 29, 1964, appear at 29 FR 19183, 3 CFR, 1964-1965 Comp., p. 272, unless otherwise noted.

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is delegated to the Secretary of Defense (and to the Secretary of Transportation with regard to the United States Coast Guard) the authority vested in the President by section 271 of title 10 of the United States Code to prescribe regulations for the screening of units and members of the Ready Reserve of the Armed Forces.

[Sec. 1 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 2. Executive Order No. 10651 of January 6, 1956, is revoked.

Executive Order 11231—Establishing the Vietnam Service Medal

SOURCE: The provisions of Executive Order 11231 of July 8, 1965, appear at 30 FR 8665, 3 CFR, 1964-1965 Comp., p. 325, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established the Vietnam Service Medal with suitable appurtenances. Except as limited in section 2 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or regulations to be prescribed by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, the Vietnam Service Medal shall be awarded to members of the armed forces who serve in Vietnam or contiguous waters or air space, as defined by such regulations, after July 3, 1965, and before a terminal date to be prescribed by the Secretary of Defense.¹

[Sec. 1 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 2. Notwithstanding section 3 of the Executive Order No. 10977 of December 4, 1961, establishing the Armed Forces Expeditionary Medal, any member who qualified for that medal by reason of service in Vietnam between July 1, 1958, and July 4, 1965, shall remain qualified for that medal. Upon application, any such member may be awarded the Vietnam Service Medal in lieu of the Armed Forces Expeditionary Medal, but no person may be awarded both medals by reason of service in Vietnam and no person shall be entitled to more than one award of the Vietnam Service Medal.

SEC. 3. The Vietnam Service Medal may be awarded posthumously.

Executive Order 11298—Prescribing the interest rate for deposit of savings of members of the uniformed services

SOURCE: The provisions of Executive Order 11298 of Aug. 14, 1966, appear at 31 FR 10915, 3 CFR, 1966-1970 Comp., p. 575, unless otherwise noted.

¹ EDITORIAL NOTE: On Jan. 26, 1973, a terminal date of Mar. 28, 1973, was prescribed (DOD Instruction 1348.15).

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By virtue of the authority vested in me by Section 1035 of Title 10 of the United States Code, as amended by the Act of August 14, 1966, I hereby prescribe that amounts deposited by members of the uniformed services under that Section shall accrue interest at the rate of ten percent per annum, compounded quarterly.

This order shall be effective September 1, 1966.

Executive Order 11339—Delegating certain authority of the President with regard to Army and Air Force rations

SOURCE: The provisions of Executive Order 11339 of Mar. 28, 1967, appear at 32 FR 5321, 3 CFR, 1966-1970 Comp., p. 631, unless otherwise noted.

By virtue of the authority vested in me by sections 4561 and 9561 of title 10 of the United States Code and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by subsection (a) of section 4561, and subsection (a) of section 9561, of title 10 of the United States Code to prescribe the components, and the quantities thereof, of the Army and Air Force rations.

SEC. 2. Under regulations of the Secretary of Defense, the Secretary of the Army and the Secretary of the Air Force are authorized, for their respective services, to prescribe the issue of special allowances and such special or supplemental rations, defined by component, quantity, or monetary value, as they may consider appropriate.

SEC. 3. The following Executive orders are hereby revoked:

- (1) Executive Order No. 5952 of November 23, 1932.
- (2) Executive Order No. 7500 of December 3, 1936.
- (3) Executive Order No. 8333 of January 25, 1940.
- (4) Executive Order No. 10545 of July 15, 1954.
- (5) Executive Order No. 11032 of June 19, 1962.

SEC. 4. This order shall be effective July 1, 1967.

Executive Order 11366—Assigning authority to order certain persons in the Ready Reserve to active duty

SOURCE: The provisions of Executive Order 11366 of Aug. 4, 1967, appear at 32 FR 11411, 3 CFR, 1966-1970 Comp., p. 676, unless otherwise noted.

By virtue of the authority vested in me by section 673a of title 10 of the United States Code, and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of Defense is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, to order to active duty any member of the Ready Reserve of an armed force (except the Coast Guard when not operating as a service in the Navy) who—

- (1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;
- (2) has not fulfilled his statutory reserve obligation; and

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(3) has not served on active duty for a total of 24 months.

(b) In pursuance of the provisions of section 673a of title 10 of the United States Code, the Secretary of Defense is hereby authorized to require a member ordered to active duty under the authority of this Order to serve on active duty until his total service on active duty equals 24 months. If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under this authority would expire before he has served the required period of active duty prescribed herein, his enlistment or period of military service may be extended until he has served the required period.

(c) In pursuance of the provisions of section 673a of title 10 of the United States Code, and in order to achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this authority, appropriate consideration shall be given to—

(1) family responsibilities; and

(2) employment necessary to maintain the national health, safety, or interest.

SEC. 2. The Secretary of Transportation is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, with respect to any member of the Ready Reserve of the Coast Guard when it is not operating as a service in the Navy, under the same conditions as such authority may be exercised by the Secretary of Defense under this Order with respect to any member of the Ready Reserve of any other armed force.

SEC. 3. (a) The Secretary of Defense may designate any of the Secretaries of the military departments of the Department of Defense to exercise the authority vested in him by section 1 of this Order.

(b) The Secretary of Transportation may designate the Commandant of the United States Coast Guard to exercise the authority vested in him by section 2 of this Order.

SEC. 4. Executive Order No. 11327 of February 15, 1967, is superseded except with respect to members of the Ready Reserve ordered to active duty under the authority of that Order.

Executive Order 11390—Delegation of certain functions of the President to the Secretary of Defense

SOURCE: The provisions of Executive Order 11390 of Jan. 22, 1968, appear at 33 FR 841, 3 CFR, 1966-1970 Comp., p. 704, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense, and, as designated by the said Secretary for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the military departments, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(1) [Revoked]

(2) [Revoked]

(3) [Revoked]

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(4) The authority vested in the President by sections 565 and 599 of title 10, United States Code, to suspend, in time of war or emergency, any provision of law relative to promotion and mandatory retirement or separation of warrant officers of the armed forces.

(5) The authority vested in the President by sections 4337 and 9337 of title 10, United States Code, to appoint the chaplains at the United States Military and Air Force Academies.

(6) The authority vested in the President by sections 4302(a) and 9302(a) of title 10, United States Code, to approve regulations concerning instruction of enlisted members of the Army and Air Force.

(7) [Revoked]

(8) The authority vested in the President by sections 5139 and 5149 of title 10, United States Code, relating to the retirement of the Chief of the Medical Service Corps, the Deputy Judge Advocate General, and the Assistant Judge Advocate General, of the Navy.

(9) [Revoked]

(10) The authority vested in the President by section 2102(a) of title 10, United States Code, to prescribe regulations governing the establishment and maintenance of senior reserve officers' Training Corps units at civilian educational institutions.

(11) The authority vested in the President by section 123 of title 10, and section 111 of title 32, United States Code, to suspend in time of war or national emergency those provisions cited therein relating to promotion of reserve officers.

(12) [Revoked]

(13) The authority vested in the President by section 6223(b) of title 10, United States Code, relating to members of the Marine Corps Band.

(14) The authority vested in the President by section 425 of title 37, United States Code, to approve concert tours of the Navy Band and the Marine Corps Band.

(15) [Revoked]

[Sec. 1 amended by EO 11601 of June 29, 1971, 3 CFR, 1971 Comp., p. 166; EO 12396 of Dec. 9, 1982, 47 FR 55897, 3 CFR, 1982 Comp., p. 234; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. All actions heretofore taken by or for the President with respect to the matters affected by this order and in force and effect at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in force and effect until amended, modified, or revoked pursuant to the authority conferred by this order.

Executive Order 11438—Prescribing procedures governing interdepartmental cash awards to the members of the Armed Forces

SOURCE: The provisions of Executive Order 11438 of Dec. 3, 1968, appear at 33 FR 18085, 3 CFR, 1966-1970 Comp., p. 755, unless otherwise noted.

By virtue of the authority vested in me by section 1124(b) and (e) of title 10, United States Code, and section 301 of title 3, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Any suggestion, invention, or scientific achievement by a member of the armed forces that contributes to the efficiency, econo-

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my, or other improvement of operations of the Government of the United States through its adoption or use by an executive department or agency other than the executive department having jurisdiction over the armed force of the member concerned may be the basis for honorary recognition or a cash award by the Secretary of Transportation in the case of a member of the Coast Guard when it is not operating as a service in the Navy or by the Secretary of Defense in the case of any other member of the armed forces.

SEC. 2. An executive department or agency that adopts or uses the suggestion, invention, or scientific achievement of a member of the armed forces who is not under its jurisdiction may recommend to the Department of Defense or to the Department of Transportation, as appropriate, a cash award or honorary recognition of the member and shall justify its recommendation with appropriate documentation and explanation of how the suggestion, invention, or scientific achievement contributes to the efficiency, economy, or other improvement of the operations of the Government of the United States. Awards shall be made under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation, as appropriate. The regulations of the Department of Defense and Department of Transportation may include designations of officials to whom authority for receiving, evaluating and making awards may be assigned.

SEC. 3. No cash awards hereunder for a single suggestion, invention or scientific achievement may exceed \$25,000 regardless of the number of agencies or departments which may adopt or use the suggestion, invention, or scientific achievement.

SEC. 4. Funds to cover the costs of cash awards to members of the armed forces shall be transferred from the account of any executive department or agency which recommends the award to the appropriate account of the Department of Transportation or the Department of Defense, as the case may be. When several executive departments or agencies benefit from the adoption or use of the suggestion, invention, or scientific achievement, the amount transferred from each such benefiting department or agency to the Department of Transportation or the Department of Defense to cover the proportionate share of the cost of the cash award shall be determined under procedures prescribed by the Office of Personnel Management in accordance with the same guidelines and standards applying to awards to civilian employees.

[Sec. 4 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 2]

Executive Order 11446—Authorizing the acceptance of service medals and ribbons from multilateral organizations other than the United Nations

SOURCE: The provisions of Executive Order 11446 of Jan. 16, 1969, appear at 34 FR 803, 3 CFR, 1966-1970 Comp., p. 767, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Transportation, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to pres-

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regulations for the acceptance of medals and ribbons which are offered by multilateral organizations, other than the United Nations, to members of the Armed Forces of the United States in recognition of service conducted under the auspices of those organizations. A determination that service for a multilateral organization in a particular geographical area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the medal or ribbon offered to eligible members of the Armed Forces of the United States shall be made with the concurrence of the Secretary of State.

Executive Order 11448—Establishing the Meritorious Service Medal

SOURCE: The provisions of Executive Order 11448 of Jan. 16, 1969, appear at 34 FR 915, 3 CFR, 1966-1970 Comp., p. 768, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Meritorious Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of a military department or the Secretary of Transportation with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders or other appropriate officers as the Secretary concerned may designate, to any member of the armed forces of the United States, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself by outstanding meritorious achievement or service.

[Sec. 1 amended by EO 12312 of July 2, 1981, 46 FR 35251, 3 CFR, 1981 Comp., p. 160]

SEC. 2. The Meritorious Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

SEC. 3. No more than one Meritorious Service Medal shall be awarded to any one person, but for each succeeding outstanding meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

SEC. 4. The Meritorious Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

Executive Order 11485—Supervision and control of the National Guard of the District of Columbia

SOURCE: The provisions of Executive Order 11485 of Oct. 1, 1969, appear at 34 FR 15411, 15443, 3 CFR, 1966-1970 Comp., p. 813, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and Commander-in-Chief of the Armed Forces of the United States and the National Guard of the District of Columbia under the

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Constitution and laws of the United States, including section 6 of the Act of March 1, 1889, 25 Stat. 773 (District of Columbia Code, sec. 39-112), and section 110 of title 32 and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, except as provided in section 3, is authorized and directed to supervise, administer and control the Army National Guard and the Air National Guard of the District of Columbia (hereinafter "National Guard") while in militia status. The Commanding General of the National Guard shall report to the Secretary of Defense or to an official of the Department of Defense designated by the Secretary on all matters pertaining to the National Guard. Through the Commanding General, the Secretary of Defense shall command the military operations, including training, parades and other duty, of the National Guard while in militia status. Subject to the direction of the President as Commander-in-Chief, the Secretary may order out the National Guard under title 39 of the District of Columbia Code to aid the civil authorities of the District of Columbia.

SEC. 2. The Attorney General is responsible for: (1) advising the President with respect to the alternatives available pursuant to law for the use of the National Guard to aid the civil authorities of the District of Columbia; and (2) for establishing after consultation with the Secretary of Defense law enforcement policies to be observed by the military forces in the event the National Guard is used in its militia status to aid civil authorities of the District of Columbia.

SEC. 3. The Commanding General and the Adjutant General of the National Guard will be appointed by the President. The Secretary of Defense, after consultation with the Attorney General, shall at such times as may be appropriate submit to the President recommendations with respect to such appointments.

SEC. 4. The Secretary of Defense and the Attorney General are authorized to delegate to subordinate officials of their respective Departments any of the authority conferred upon them by this order.

SEC. 5. Executive Order No. 10030 of January 26, 1949, is hereby superseded.

Executive Order 11498—Delegating to the Secretary of Defense the authority to approve regulations governing the early discharge of enlisted members

SOURCE: The provisions of Executive Order 11498 of Dec. 1, 1969, appear at 34 FR 19125, 3 CFR, 1966-1970 Comp., p. 883, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that the Secretary of Defense is hereby designated and empowered to approve regulations issued by the Secretaries concerned under section 1171 of title 10, United States Code, effective January 2, 1968, which relate to the early discharge of regular enlisted members of the armed forces.

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Executive Order 11545—Establishing the Defense Distinguished Service Medal

SOURCE: The provisions of Executive Order 11545 of July 9, 1970, appear at 35 FR 11161, 3 CFR, 1966-1970 Comp., p. 946, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Defense Distinguished Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Defense to a military officer who performed exceptionally meritorious service in a duty of great responsibility with the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, a specified or unified command, a Defense agency, or such other joint activity as may be designated by the Secretary of Defense.

SEC. 2. The Defense Distinguished Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense and shall be awarded under such regulations as he shall prescribe. These regulations shall place the Defense Distinguished Service Medal in an order of precedence after the Medals of Honor and the Distinguished Service Crosses of the Armed Forces and before the Distinguished Service Medals of the Armed Forces.

SEC. 3. No more than one Defense Distinguished Service Medal shall be awarded to any one person, but for each succeeding exceptionally meritorious period of service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Defense.

SEC. 4. The Defense Distinguished Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense.

Executive Order 11687—Delegating functions conferred upon the President by section 1455 of title 10 of the United States Code, establishing the Retired Serviceman's Survivor Benefit Plan

SOURCE: The provisions of Executive Order 11687 of Oct. 11, 1972, appear at 37 FR 21479, 3 CFR, 1971-1975 Comp., p. 729, unless otherwise noted.

By virtue of the authority vested in me by section 1455 of title 10 of the United States Code (as added by section 1 of the act entitled "An Act To amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes"), section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Transportation are hereby severally authorized and empowered to perform, without the approval, ratification or other action of the President, the function vested in the President by section 1455 of title 10 of the United States Code of prescribing regulations for the administration of subchapter II of chapter 73 of title 10 of the United States Code. The regulations prescribed by any such Secretary shall relate only to the

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Department of which the Secretary is the head. However, the regulations prescribed by the Secretaries shall be uniform to the extent practicable, and, in order to achieve that purpose, the regulations of the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Transportation shall be issued only after consultation with the Secretary of Defense.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The regulations shall be in accordance with the provisions of subchapter II of chapter 73 of title 10 of the United States Code, shall be designed to achieve the uniform, equitable, and economical administration of that subchapter, and shall include, along with any other regulations deemed necessary, procedures for:

(1) informing the member and his spouse (when required by section 1448(a) of title 10 of the United States Code), before the date the member becomes entitled to retire or retainer pay, of the elections available and the effects of such elections;

(2) submitting elections and claims;

(3) depositing the amounts referred to in section 1452(d) of title 10 of the United States Code; and;

(4) correcting administrative deficiencies in accordance with section 1454 of title 10 of the United States Code.

SEC. 3. This order shall be effective as of the date of approval of the act entitled "An Act To amend chapter 73 of title 10 of the United States Code, to establish a Survivor Benefit Plan, and for other purposes."

Executive Order 11800—Delegating certain authority vested in the President by the Aviation Career Incentive Act of 1974

SOURCE: The provisions of Executive Order 11800 of Aug. 17, 1974, appear at 39 FR 30103, 3 CFR, 1971-1975 Comp., p. 891, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Commerce and the Secretary of Health and Human Services, with respect to members of the uniformed service under their respective jurisdictions, are hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by section 301 of title 37 of the United States Code, as added by section 2(3) of the Aviation Career Incentive Act of 1974 (Public Law 93-294; 88 Stat. 177) with respect to entitlement of regular and reserve officers of the uniformed services, including flight surgeons and other medical officers to aviation career incentive pay for the frequent and regular performance of operational or proficiency flying duty.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. This order is effective as of June 1, 1974.

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Executive Order 11904—Establishing the Defense Superior Service Medal

SOURCE: The provisions of Executive Order 11904 of Feb. 6, 1976, appear at 41 FR 5625, 3 CFR, 1976 Comp., p. 90, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. There is hereby established a Defense Superior Service Medal with accompanying ribbons and appurtenances for award by the Secretary of Defense to any member of the Armed Forces of the United States who has rendered superior meritorious service in a position of significant responsibility with the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, a specified or unified command, a Defense agency, or such other joint activity as may be designated by the Secretary of Defense.

SEC. 2. The Defense Superior Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense and shall be awarded under such regulations as he shall prescribe. These regulations shall place the Defense Superior Service Medal in an order of precedence after the Medal of Honor, the Distinguished Service Cross, the Defense Distinguished Service Medal, the Distinguished Service Medal and the Silver Star Medal, but before the Legion of Merit.

SEC. 3. No more than one Defense Superior Service Medal shall be awarded to any one person, but for each succeeding period of superior meritorious service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Defense.

SEC. 4. The Defense Superior Service Medal or device may be awarded posthumously, and when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense.

Executive Order 11950—Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems with respect to cost of living adjustments

SOURCE: The provisions of Executive Order 11950 of Jan. 6, 1977, appear at 42 FR 1451, 3 CFR, 1977 Comp., p. 69, unless otherwise noted.

By virtue of the authority vested in me by section 801(c) of the Department of Defense Appropriation Authorization Act, 1977 (90 Stat. 929; 10 U.S.C. 1401a note), section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of Central Intelligence shall:

(a) on January 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

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(b) on July 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for June of such year over the price index published for December of the preceding year.

SEC. 2. If in any year the percent change determined under either section 1(a) or 1(b) indicates a rise in the price index, then:

(a) effective March 1 of such year, in the case of an increase under section 1(a), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such March 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest 1/10 of 1 percent, or

(b) effective September 1 of such year, in the case of an increase under section 1(b), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such September 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest 1/10 of 1 percent.

SEC. 3. The changes made by sections 1 and 2 of this order shall apply to any increase in annuities after October 1, 1976, except that with respect to the first date after October 1, 1976 on which the Director is to determine a percent change, such percent change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index for the last month immediately prior to October 1, 1976 for which the price index showed a percent rise forming the basis of a cost of living annuity increase under section 291(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as in effect immediately prior to October 1, 1976.

Executive Order 11965—Establishing the Humanitarian Service Medal

SOURCE: The provisions of Executive Order 11965 of Jan. 19, 1977, appear at 42 FR 4329, 3 CFR, 1977 Comp., p. 89, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. There is hereby established a Humanitarian Service Medal with accompanying ribbons and appurtenances for award by the Secretary of Defense or the Secretary of Transportation with regard to the Coast Guard when not operating as a Service in the Navy. Individuals eligible for the medal are members of the Armed Forces of the United States (including Reserve Components) who, subsequent to April 1, 1975, distinguished themselves by meritorious participation in a military act or operation of a humanitarian nature. The Secretary of Defense and the Secretary of Transportation for the Coast Guard will determine types of acts or operations that warrant award of the medal.

SEC. 2. The Humanitarian Service Medal and ribbons and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense and shall be awarded by the Secretary of Defense and the Secretary of Transportation for the Coast Guard under uniform regulations, as prescribed by the Secretary of Defense. The regulations shall

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place the Humanitarian Service Medal in an order of precedence immediately after the Vietnam Service Medal.

SEC. 3. No more than one Humanitarian Service Medal shall be awarded to any one person, but for each subsequent participation in a humanitarian act or operation justifying such an award, a suitable device may be awarded to be worn with that medal as prescribed by appropriate regulations of the Military Departments.

SEC. 4. The Humanitarian Service Medal or device may be awarded posthumously, and when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense or the Secretary of Transportation.

Executive Order 12019—Establishing the Defense Meritorious Service Medal

SOURCE: The provisions of Executive Order 12019 of Nov. 3, 1977, appear at 42 FR 57945, 3 CFR, 1977 Comp., p. 153, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. There is hereby established a Defense Meritorious Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Defense to any member of the Armed Forces of the United States who has rendered outstanding non-combat meritorious achievement or service while assigned to the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, a specified or unified command, a Defense agency, or other such joint activity as may be designated by the Secretary of Defense.

SEC. 2. The Defense Meritorious Service Medal, with accompanying ribbons and appurtenances, shall be of appropriate design approved by the Secretary of Defense and shall be awarded under such regulations as the Secretary of Defense may prescribe. These regulations shall place the Defense Meritorious Service Medal in an order of precedence after the Medal of Honor, the Distinguished Service Cross, the Defense Distinguished Service Medal, the Distinguished Service Medal, the Silver Star Medal, the Defense Superior Service Medal, the Legion of Merit Medal, and the Bronze Star Medal, but before the Meritorious Service Medal.

SEC. 3. No more than one Defense Meritorious Service Medal shall be awarded to any one person, but for each succeeding outstanding meritorious achievement or service justifying such an award a suitable device to be worn with that medal may be awarded under such regulations as the Secretary of Defense may prescribe.

SEC. 4. The Defense Meritorious Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Defense.

Executive Order 12023—Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems

SOURCE: The provisions of Executive Order 12023 of Dec. 1, 1977, appear at 42 FR 61443, 3 CFR, 1977 Comp., p. 157, unless otherwise noted.

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By virtue of the authority vested in me by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of Central Intelligence, hereafter referred to as the Director, shall maintain the Central Intelligence Agency Retirement and Disability System and the Central Intelligence Agency Retirement and Disability Fund, hereafter referred to as the Fund, in accordance with the following principles:

(a) None of the moneys mentioned in the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043, as amended; 50 U.S.C. 403 note), shall be assignable, either in law or equity, except under the provisions of subsection (b) of this Section, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

(b) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts of such annuity for such purposes as the Director in his sole discretion considers appropriate.

(c) No payment shall be made from the Fund unless an application for benefits based on the service of the participant is received by the Director before the one hundred and fifteenth anniversary of the participant's birth.

(d) Notwithstanding the provisions of subsection (c) of this Section, after the death of a participant or annuitant, no benefit based on the service of such person shall be paid from the Fund unless an application therefor is received by the Director within 30 years after the death or other event which gives rise to title to benefit.

(e) Sums deducted from salaries pursuant to Section 273 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1053; 50 U.S.C. 403 note) shall be deposited in the Treasury of the United States to the credit of the Fund.

SEC. 2. The provisions of this Order are effective as follows:

(a) The provisions of Section 1(a) and 1(b) are effective as of December 23, 1975.

(b) The provisions of Sections 1(c) and 1(d) are effective as of December 31, 1975.

(c) The provisions of Section 1(e) are effective as of October 1, 1976 and shall apply to annuitants serving in appointed positions on and after that date.

SEC. 3. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

Executive Order 12197—Central Intelligence Agency Retirement and Disability System

SOURCE: The provisions of Executive Order 12197 of Mar. 5, 1980, appear at 45 FR 14833, 3 CFR, 1980 Comp., p. 149, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note).

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and in order to conform the Central Intelligence Agency Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System (Public Law 95-317 and Public Law 95-366), it is hereby ordered as follows:

1-101. The Director of Central Intelligence shall maintain the Central Intelligence Agency Retirement and Disability System in accordance with the following principles:

(a) The automatic restoration of the reduction in the annuity of the annuitant upon his or her remarriage shall be eliminated and the annuitant shall be allowed to elect, upon such remarriage, whether to provide a survivor annuity for the new spouse. The annuitant's election shall be irrevocable during the remarriage, and must be made in a signed writing and received by the Director within one year after the date of the remarriage. If the annuitant makes such an election, his or her annuity shall be reduced by the same percentage reduction which was in effect immediately before the dissolution of the previous marriage, and such reduction shall take effect on the first day of the month beginning one year after the date of the remarriage.

(b) The reduction in the annuity of an annuitant shall be restored when a person designated as having an insurable interest in the annuitant predeceases the annuitant. Payment of the annuity at the single-life rate shall be effective the first day of the month following the death of the individual designated as having had the insurable interest.

(c) An annuitant who was unmarried at the time of retirement but who marries after retirement shall be allowed to irrevocably elect, in a signed writing received by the Director within one year after the date of the marriage, a reduction in his or her annuity to provide a survivor annuity for his or her spouse. Such reduction shall be effective the first day of the month beginning one year after the date of marriage. An election to provide an annuity to a surviving spouse made under this provision, voids prospectively any previous election to provide a survivor annuity to an individual named as having an insurable interest in the annuitant. Since the annuity reduction for the benefit of a surviving spouse will not take effect until the first day of the first month beginning one year after the date of the marriage, any annuity reduction in effect for an insurable interest benefit will not terminate until such date.

(d) Each annuitant shall be informed, on an annual basis, of such annuitant's rights of election under this Order.

(e) Payments to an annuitant which are based upon his or her service shall be paid, in whole or in part by the CIA Retirement and Disability System to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this provision to a person bars recovery by any other person. This provision shall only apply to payments made after the date of receipt by the Director of written notice of such decree, order, or agreement, and such additional information and documentation as the Director may prescribe. As used in this subsection "court" means any court of any State or the District of Columbia.

1-102. (a) The provisions of Section 1-101(a) are effective as of October 1, 1978, and shall apply with respect to annuities which com-

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mence before, on, or after October 1, 1978. No monetary benefit by reason of such provisions shall accrue for any period before such effective date. The provisions of Section 1-101(a) of this Order shall not affect the eligibility of any individual to a survivor annuity in the case of an annuitant who remarried before October 1, 1978, unless the annuitant notifies the Director in a signed writing received by the Director no later than December 31, 1980, that such annuitant does not desire the spouse of the annuitant to receive a survivor annuity in the event of the annuitant's death. Such notification shall take effect the first day of the first month after it is received by the Director.

(b) The provisions of Section 1-101 (b) and (c) are effective as of October 1, 1978, and shall apply with respect to annuities which commence before, on, or after October 1, 1978. No monetary benefit by reason of such provisions shall accrue for any period before such effective date.

(c) The provisions of Sections 1-101 (d) and (e) are effective immediately.

1-103. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

Executive Order 12253—Central Intelligence Agency Retirement and Disability System

SOURCE: The provisions of Executive Order 12253 of Nov. 25, 1980, appear at 45 FR 78995, 3 CFR, 1980 Comp., p. 302, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), and in order to conform the Central Intelligence Agency Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System (Public Law 96-179), it is hereby ordered as follows:

1-101. The Director of Central Intelligence shall maintain the Central Intelligence Agency Retirement and Disability System in accordance with the following:

(a) Eliminate the "living with" requirement in the case of recognized natural children.

(b) Add a requirement of dependency to the definition of child and define "dependent" as follows: "Dependent," in the case of any child, means that the participant involved was, at the time of the participant's death, either living with or contributing to the support of such child, as determined in accordance with such regulations as the Director shall prescribe.

1-102. The provisions of Section 1-101 are effective as of January 2, 1980.

1-103. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

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Executive Order 12391—Partial suspension of Federal service labor-management relations

SOURCE: The provisions of Executive Order 12391 of Nov. 4, 1982, appear at 47 FR 50457, 3 CFR, 1982 Comp., p. 229, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b)(2) of Title 5 and Section 301 of Title 3 of the United States Code, and having determined that it is necessary in the interest of national security to suspend certain labor-management relations provisions with respect to overseas activities of the Department of Defense, it is hereby ordered as follows:

SECTION 1. *Suspensions.* With regard to United States citizen employees of the Department of Defense, including the Military Departments, who are employed outside the United States as defined in 5 U.S.C. 7103(a)(18), with the exception of those employed in the Republic of Panama:

(a) The provisions of 5 U.S.C. 7105(a)(2)(D), (E), (G), and (H) and of 5 U.S.C. 7123(b) are suspended with respect to any matter which substantially impairs the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation;

(b) The provisions of 5 U.S.C. 7102(2), 7114(a)(1), 7114(a)(4), 7116(a)(5), and 7117(c) are suspended with respect to any matter proposed for bargaining which would substantially impair the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation;

(c) The provisions of 5 U.S.C. 7116(a)(7) and 7117(b) are suspended with regard to any regulation governing the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nations; and

(d) The provisions of 5 U.S.C. 7121(b)(3)(C) are suspended with respect to any grievance involving the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation.

SEC. 2. *Disputes.* Disputes between a labor organization and the United States Forces as to whether a particular matter is covered by one or more of the suspensions set forth in this Order shall be referred to the Secretary of Defense. The decision of the Secretary in such disputes shall be made after consultation with the Secretary of State and shall be final. The Secretary of Defense may delegate this authority, but only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. The functions assigned to the Secretary of State may not be delegated or assigned to anyone below the rank of an Assistant Secretary of State.

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Executive Order 12396—Defense officer personnel management

SOURCE: The provisions of Executive Order 12396 of Dec. 9, 1982, appear at 47 FR 55897, 3 CFR, 1982 Comp., p. 234, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the appointment, promotion, and retirement of commissioned officers of the Armed Forces, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is designated to perform, without approval, ratification, or other action by the President, the following functions vested in the President:

(a) The authority vested in the President by Sections 618(b)(1) and 628(d)(1) of Title 10 of the United States Code, to approve, modify, or disapprove the report of a selection board.

(b) The authority vested in the President by Section 629(a) of Title 10 of the United States Code, to remove the name of any officer from a promotion list to any grade below commodore or brigadier general.

(c) The authority vested in the President by Section 624(c) of Title 10 of the United States Code, to appoint officers in the grades of first lieutenant and captain in the Army, Air Force, and Marine Corps or the grades of lieutenant (junior grade) and lieutenant in the Navy.

(d) The authority vested in the President by Section 5721(c) of Title 10 of the United States Code, to make certain temporary appointments to the grade of lieutenant commander.

(e) The authority vested in the President by Section 6323(a) of Title 10 of the United States Code, to approve the application of an officer of the Navy or the Marine Corps for retirement after the completion of more than 20 years of active service and to designate the month in which such retirements shall become effective.

(f) The authority vested in the President by Sections 3918 and 8501 of Title 10 of the United States Code, to approve the request of a regular commissioned officer of the Army or the Air Force to retire after at least 30 years of service.

(g) Nothing in this Section shall be deemed to delegate the authority vested in the President by Section 618(c) of Title 10 to remove a name from a selection board report.

SEC. 2. (a) The Secretary of Defense is designated to perform during a time of war or national emergency the following functions vested in the President, without the approval, ratification, or other action by the President.

(1) The authority vested in the President by Section 526 of Title 10 of the United States Code, to suspend the operation of any provision of Sections 523, 524, or 525 of Title 10 of the United States Code, relating to the authorized strength of commissioned officers.

(2) The authority vested in the President by subsections (a) and (b) of Section 603 of Title 10 of the United States Code, to make or vary certain temporary commissioned appointments.

(3) The authority vested in the President by Section 644 of Title 10 of the United States Code, to suspend the operation of any law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, or Marine Corps.

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(b) The authority delegated to the Secretary of Defense by this Section may not be exercised during the time of a national emergency declared by the President, unless the exercise of any such authority is specifically directed by the President in accordance with Section 301 of the National Emergencies Act (50 U.S.C. 1631).

(c) The Secretary of Defense shall ensure that actions taken pursuant to the authority delegated by this Section are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

SEC. 3. The authority delegated to the Secretary of Defense by this Order may be redelegated to the Deputy Secretary of Defense, any of the Assistant Secretaries of Defense, and to any of the Secretaries of the military departments who may further subdelegate such authority to subordinates who are appointed to their office by the President with the advice and consent of the Senate.

SEC. 4. All actions taken by, for, or on behalf of the President with respect to the functions delegated by this Order, which actions would be valid if taken pursuant to this Order, are ratified.

SEC. 5. (a) [Deleted]

[Sec. 5(a) amends EO 10621 of July 1, 1955, this chapter, p. 572. The amendments have been incorporated into that order.]

(b) [Deleted]

[Sec. 5(b) amends EO 11390 of Jan. 22, 1968, this chapter, p. 606. The amendments have been incorporated into that order.]

(c) Executive Order No. 12239 is revoked.

Executive Order 12473—Manual for Courts-Martial, United States, 1984

SOURCE: The provisions of Executive Order 12473 of Apr. 13, 1984, appear at 49 FR 17152, 3 CFR, 1984 Comp., p. 201, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution of the United States and by Chapter 47 of Title 10 of the United States Code (Uniform Code of Military Justice), I hereby prescribe the following Manual for Courts-Martial to be designated as "Manual for Courts-Martial, United States, 1984."

This Manual shall take effect on August 1, 1984, with respect to all court-martial processes taken on and after that date: *Provided*, That nothing contained in this Manual shall be construed to invalidate any restraint, investigation, referral of charges, designation or detail of a military judge or counsel, trial in which arraignment had been had, or other action begun prior to that date, and any such restraint, investigation, trial, or other action may be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed; *Provided further*, That Rules for Courts-Martial 908, 1103(j), 1105-1107, 1110-1114, 1201, and 1203 shall not apply to any case in which the findings and sentence were adjudged by a court-martial before August 1, 1984, and the post-trial and appellate review of such cases shall be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed; *Provided further*, That nothing contained in this Manual shall be construed to make punishable any act done or omitted

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prior to August 1, 1984, which was not punishable when done or omitted; *Provided further*, That nothing in part IV of this Manual shall be construed to invalidate the prosecution of any offense committed before the effective date of this Manual; *Provided further*, That the maximum punishment for an offense committed prior to August 1, 1984, shall not exceed the applicable limit in effect at the time of the commission of such offense; *Provided further*, That for offenses committed prior to August 1, 1984, for which a sentence is adjudged on or after August 1, 1984, if the maximum punishment authorized in this Manual is less than that previously authorized, the lesser maximum authorized punishment shall apply; *And provided further*, That Part V of this Manual shall not apply to nonjudicial punishment proceedings which were initiated before August 1, 1984, and nonjudicial punishment proceedings in such cases shall be completed in accordance with applicable laws, Executive orders, and regulations in the same manner and with the same effect as if this Manual had not been prescribed.

The Manual for Courts-Martial, 1969, United States (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order Nos. 11835, 12018, 12198, 12233, 12306, 12315, 12340, 12383, and 12460 is hereby rescinded, effective August 1, 1984.

The Secretary of Defense shall cause this Manual to be reviewed annually and shall recommend to the President any appropriate amendments.

The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

EDITORIAL NOTE: The complete text of the "Manual for Courts-Martial, United States, 1984" appears at 49 FR 17152, Apr. 23, 1984. Amendments to the Manual were made by EO 12484 of July 13, 1984, 49 FR 28825, 3 CFR, 1984 Comp., p. 217, EO 12550 of Feb. 19, 1986, 51 FR 6497, 3 CFR, 1986 Comp., p. 191, and EO 12586 of Mar. 3, 1987, 52 FR 7103, 3 CFR, 1987 Comp., p. 204. The manual is also published by the Department of Defense and may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Executive Order 12514—Prescribing the order of succession of officers to act as Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force

SOURCE: The provisions of Executive Order 12514 of May 14, 1985, appear at 50 FR 18629, 3 CFR, 1985 Comp., p. 342, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3347 of title 5, United States Code, it is hereby ordered as follows:

PART I. Succession to the Position of Secretary of Defense.

In the event of the death, disability, or absence of the Secretary of Defense, the incumbents in the Department of Defense positions listed below shall succeed to the position of, and act as, Secretary of Defense in the order indicated:

1. Deputy Secretary of Defense.
2. Secretary of the Army.
3. Secretary of the Navy.
4. Secretary of the Air Force.
5. Under Secretary of Defense for Policy.

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6. Under Secretary of Defense for Research and Engineering.
7. Assistant Secretaries of Defense and the General Counsel of the Department of Defense, in the order fixed by their length of service as such.

8. Under Secretaries of the Army, the Navy, and the Air Force, in the order fixed by their length of service as such.

9. Assistant Secretaries of the Army, the Navy, and the Air Force, in the order fixed by their length of service as such.

Precedence within a particular group between or among two or more officers having the same date of appointment shall be as determined by the Secretary of Defense at the time of appointment.

PART II. Succession to the Position of Secretary of the Army.

In the event of the death, disability, or absence of the Secretary of the Army, the officers designated below shall succeed to the position of, and act as, Secretary of the Army in the order indicated:

1. Under Secretary of the Army.
2. Assistant Secretaries of the Army, in the order fixed by their length of service as such.

3. Chief of Staff, United States Army.

4. Vice Chief of Staff, United States Army.

5. Commanding General, U.S. Army Forces Command.

PART III. Succession to the Position of Secretary of the Navy.

In the event of the death, disability, or absence of the Secretary of the Navy, the officers designated below shall succeed to the position of, and act as, Secretary of the Navy in the order indicated:

1. Under Secretary of the Navy.
2. Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy, or if no order is prescribed by the Secretary, then in the order fixed by their length of service as such.

3. Chief of Naval Operations.

4. Vice Chief of Naval Operations.

PART IV. Succession to the Position of Secretary of the Air Force.

In the event of the death, disability, or absence of the Secretary of the Air Force, the officers designated below shall succeed to the position of, and act as, Secretary of the Air Force in the order indicated:

1. Under Secretary of the Air Force.
2. Assistant Secretaries of the Air Force, in the order fixed by their length of service as such.

3. Chief of Staff, United States Air Force.

4. Vice Chief of Staff, United States Air Force.

5. The senior Deputy Chief of Staff who is not absent or disabled.

6. The Commander, Air University.

PART V. Variations in the Order of Succession.

Without regard to any other part of this Order, except Part VI, the President, or the person acting as President under section 19 of title 3, United States Code, may, in the event of the death, disability, or absence of the Secretary of Defense, appoint any officer designated in Part I of this Order to succeed to the position of, and act as, Secretary of Defense; and that person may, in the event of the death, disability, or absence of the Secretary of a Military Department, appoint any officer designated in the part of this Order that relates to the order to succession in the Department concerned to succeed to the position of, and act as, the Secretary of that Department.

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PART VI. *Temporary Nature of Succession/Acting Capacity.*

Succession to office pursuant to this Order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory position held by the successor. An officer shall not succeed to any position under this order if the position that he occupies entitling him so to succeed is held by him in an acting capacity only.

PART VII. *Revocation of Prior Executive Order.*

Executive Order No. 10820 of May 18, 1959, is hereby revoked.

Executive Order 12568—Employment opportunities for military spouses at nonappropriated fund activities

SOURCE: The provisions of Executive Order 12568 of Oct. 2, 1986, appear at 51 FR 35497, 3 CFR, 1986 Comp., p. 233, unless otherwise noted.

By the authority vested in me as President by the laws of the United States of America, including section 301 of Title 3 of the United States Code, it is ordered that the Secretary of Defense and, as designated by him for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the Military Departments, are hereby empowered to exercise the discretionary authority granted to the President by subsection 806(a)(2) of the Department of Defense Authorization Act of 1986, Public Law 99-145, to give preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the Armed Forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

Executive Order 12605—Navy and Marine Corps reserve officer promotions

SOURCE: The provisions of Executive Order 12605 of Aug. 12, 1987, appear at 52 FR 30325, 3 CFR, 1987 Comp., p. 241, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the promotion of commissioned officers of the Naval Reserve and the Marine Corps Reserve, it is hereby ordered as follows:

SECTION 1. The function vested in the President by Section 5898(b) of Title 10 of the United States Code to approve, modify, or disapprove the report of a Naval Reserve or Marine Corps Reserve selection board is delegated to the Secretary of Defense. Nothing in this Section shall be deemed to delegate the authority vested in the President by Section 5898(c) of Title 10 of the United States Code to remove a name from a selection board report.

SEC. 2. The function delegated to the Secretary of Defense by this Order may be redelegated to the Deputy Secretary of Defense, any of the Assistant Secretaries of Defense, and the Secretary of the Navy who may further subdelegate such authority to subordinates who are appointed to their office by the President, by and with the advice and consent of the Senate.

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SEC. 3. With respect to the functions delegated by this Order, all prior actions taken for or on behalf of the President that would have been valid if taken pursuant to this Order are ratified.

Executive Order 12626—National Defense Stockpile Manager

SOURCE: The provisions of Executive Order 12626 of Feb. 25, 1988, appear at 53 FR 6114, 3 CFR, 1988 Comp., p. 552, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*), as amended, section 3203 of the National Defense Authorization Act for Fiscal Year 1988 (Public Law 100-180), and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is designated National Defense Stockpile Manager. The functions vested in the President by the Strategic and Critical Materials Stock Piling Act, except the functions vested in the President by sections 7, 8, and 13 of the Act, are delegated to the Secretary of Defense. The functions vested in the President by section 8(a) of the Act are delegated to the Secretary of the Interior. The functions vested in the President by section 8(b) of the Act are delegated to the Secretary of Agriculture.

SEC. 2. The functions vested in the President by section 4(h) of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b(h)), are delegated to the Secretary of Defense.

SEC. 3. The functions vested in the President by section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f)), are delegated to the Secretary of Defense.

SEC. 4. In executing the functions delegated to him by this Order, the Secretary of Defense may delegate such functions as he may deem appropriate, subject to his direction. The Secretary shall consult with the heads of affected agencies in performing the functions delegated to him by this Order.

Executive Order 12642—Designation of the Secretary of Defense as the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act

SOURCE: The provisions of Executive Order 12642 of June 8, 1988, appear at 53 FR 21975, 3 CFR, 1988 Comp., p. 575, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410) ("the Act"), it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated as the "Presidential designee" under Title I of the Act.

SEC. 2. In order to effectuate the purposes of the Act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

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SUBCHAPTER C—INTELLIGENCE AND SECURITY ACTIVITIES

Executive Order 10104—Defining certain vital military and naval installations and equipment as requiring protection against the general dissemination of information relative thereto

SOURCE: The provisions of Executive Order 10104 of Feb. 1, 1950, appear at 15 FR 597, 3 CFR, 1949–1953 Comp., p. 298, unless otherwise noted.

WHEREAS section 795 of title 18 of the United States Code provides:

“(a) Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary.

“(b) Whoever violates this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”;

AND WHEREAS section 797 of title 18 of the United States Code provides:

“On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”;

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in the interests of national defense, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military, naval, or air-force installations and equipment which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as “top secret”, “secret”, “confidential”, or “restricted”, and all military, naval, or air-force installations and equipment which may hereafter be so classified, designated, or marked with the approval or at the direction of the President, and located within:

(a) Any military, naval, or air-force reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore established by Executive order and not subsequently discontinued by Executive order, and any defensive sea area hereafter established under authority of section 2152 of title 18 of the United States Code.

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(c) Any airspace reservation heretofore or hereafter established under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U.S.C. 174) except the airspace reservation established by Executive Order No. 10092 of December 17, 1949.

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of classified military or naval arms, munitions, equipment, designs, ships, aircraft, or vessels for the United States Army, Navy, or Air Force.

2. All military, naval, or air-force aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army, Navy, or Air Force or in the course of experimentation, development, manufacture, or delivery for the Army, Navy, or Air Force which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "top secret", "secret", "confidential", or "restricted", and all such articles, materials, or equipment which may hereafter be so classified, designated, or marked with the approval or at the direction of the President.

3. All official military, naval, or air-force books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications which are now marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "top secret", "secret", "confidential", or "restricted", and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

This order supersedes Executive Order No. 8381 of March 22, 1940, entitled "Defining Certain Vital Military and Naval Installations and Equipment".

Executive Order 10111—Establishing a seal for the Central Intelligence Agency

SOURCE: The provisions of Executive Order 10111 of Feb. 17, 1950, appear at 15 FR 909, 3 CFR, 1949-1953 Comp., p. 302, unless otherwise noted.

WHEREAS section 2 of the Central Intelligence Agency Act of 1949, approved June 20, 1949, (Public Law 110—81st Congress), provides, in part, that the Director of Central Intelligence shall cause a seal of office to be made for the Central Intelligence Agency of such design as the President shall approve; and

WHEREAS the Director of Central Intelligence has caused to be made and has recommended that I approve a seal of office for the Central Intelligence Agency the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

SHIELD: Argent, a compass rose of sixteen points gules.

CREST: On a wreath argent and gules an American bald eagle's head erased proper.

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Below the shield on a gold color scroll the inscription "United States of America" in red letters, and encircling the shield and crest at the top the inscription "Central Intelligence Agency" in white letters.

All on a circular blue background with a narrow gold edge;

AND WHEREAS it appears that such seal is of suitable design and is appropriate for establishment as the official seal of the Central Intelligence Agency:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said section 2 of the Central Intelligence Agency Act of 1949, I hereby approve such seal as the official seal of the Central Intelligence Agency.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10111, is printed in 3 CFR, 1949-1953 Comp., p. 303.

Executive Order 10865—Safeguarding classified information within industry

SOURCE: The provisions of Executive Order 10865 of Feb. 20, 1960, appear at 25 FR 1583, 3 CFR, 1959-1963 Comp., p. 398, unless otherwise noted.

CROSS REFERENCE: See Executive Order 11633 of Dec. 3, 1971, Chapter 22, p. 389, for application of the provisions of Executive Order 10865 to a security clearance program for United States citizens employed directly by the North Atlantic Treaty Organization, the Southeast Asia Treaty Organization, and the Central Treaty Organization.

WHEREAS it is mandatory that the United States protect itself against hostile or destructive activities by preventing unauthorized disclosures of classified information relating to the national defense; and

WHEREAS it is a fundamental principle of our Government to protect the interests of individuals against unreasonable or unwarranted encroachment; and

WHEREAS I find that the provisions and procedures prescribed by this order are necessary to assure the preservation of the integrity of classified defense information and to protect the national interest; and

WHEREAS I find that those provisions and procedures recognize the interest of individuals affected thereby and provide maximum possible safeguards to protect such interests:

NOW, THEREFORE, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, and the Secretary of Transportation, respectively, shall, by regulation, prescribe specific requirements, restrictions, and other safeguards as they consider necessary to protect (1) releases of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with their respective agencies, and (2) other releases of classified information to or within industry that such agencies have responsibility for safeguarding. So far as possible, regulations prescribed by them under this order shall be uniform and provide for full cooperation among the agencies concerned.

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(b) Under agreement between the Department of Defense and any other department or agency of the United States, including, but not limited to, those referred to in subsection (c) of this section, regulations prescribed by the Secretary of Defense under subsection (a) of this section may be extended to apply to protect releases (1) of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with such other department or agency, and (2) other releases of classified information to or within industry which such other department or agency has responsibility for safeguarding.

(c) When used in this order, the term "head of a department" means the Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the head of any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Attorney General. The term "department" means the Department of State, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Transportation, any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Department of Justice.

[Sec. 1 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., p. 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 2. An authorization for access to classified information may be granted by the head of a department or his designee, including but not limited to those officials named in section 8 of this order, to an individual, hereinafter termed an "applicant", for a specific classification category only upon a finding that it is clearly consistent with the national interest to do so.

SEC. 3. Except as provided in section 9 of this order, an authorization for access to a specific classification category may not be finally denied or revoked by the head of a department or his designee, including, but not limited to, those officials named in section 8 of this order, unless the applicant has been given the following:

(1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits.

(2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons.

(3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee, including, but not limited to, those officials named in section 8 of this order, for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf.

(4) A reasonable time to prepare for that appearance.

(5) An opportunity to be represented by counsel.

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(6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant.

(7) A written notice of the final decision in his case which, if adverse shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

SEC. 4. (a) An applicant shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity in the circumstances described in either of the following paragraphs:

(1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(2) The head of the department concerned or his special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and that the head of the department or such special designee has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (B) due to some other cause determined by the head of the department to be good and sufficient.

(b) Whenever procedures under paragraphs (1) or (2) of subsection (a) of this section are used (1) the applicant shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, (2) appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and (3) a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 5. (a) Records compiled in the regular course of business, other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to the department concerned by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned to safeguard classified information within industry pursuant to the order.

(b) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the applicant, may be received and considered provided that: (1)

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head of the department concerned or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material, (2) the head of the department concerned or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security, and (3) to the extent that the national security permits, a summary or description of such physical evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered. In such instances a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

SEC. 6. The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, or his representative, or the head of any other department or agency of the United States with which the Department of Defense makes an agreement under section 1(b), or his representative, may issue, in appropriate cases, invitations and requests to appear and testify in order that the applicant may have the opportunity to cross-examine as provided by this order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An officer or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination.

[Sec. 6 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., p. 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 7. Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.

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SEC. 8. Except as otherwise specified in the preceding provisions of this order, any authority vested in the head of a department by this order may be delegated to the

(1) Under Secretary of State or a Deputy Under Secretary of State, in the case of authority vested in the Secretary of State;

(2) Deputy Secretary of Defense or an Assistant Secretary of Defense, in the case of authority vested in the Secretary of Defense;

(3) General Manager of the Atomic Energy Commission, in the case of authority vested in the Commissioners of the Atomic Energy Commission;

(4) Deputy Administrator of the National Aeronautics and Space Administration, in the case of authority vested in the Administrator of the National Aeronautics and Space Administration;

(5) Under Secretary of Transportation, in the case of authority vested in the Secretary of Transportation;

(6) Deputy Attorney General or an Assistant Attorney General, in the case of authority vested in the Attorney General; or

(7) the deputy of that department, or the principal assistant to the head of that department, as the case may be, in the case of authority vested in the head of a department or agency of the United States with which the Department of Defense makes an agreement under section 1(b).

[Sec. 8 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

SEC. 9. Nothing contained in this order shall be deemed to limit or affect the responsibility and powers of the head of a department to deny or revoke access to a specific classification category if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the head of a department determines that the procedures prescribed in sections 3, 4, and 5 cannot be invoked consistently with the national security and such determination shall be conclusive.

EDITORIAL NOTE: Executive Order 10865, insofar as it refers to functions of the Atomic Energy Commission, was modified by EO 12038 of Feb. 3, 1978, Chapter 10, p. 194, to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974.

Executive Order 10899—Authorization for the communication of restricted data by the Central Intelligence Agency

SOURCE: The provisions of Executive Order 10899 of Dec. 9, 1960, appear at 25 FR 12729, 3 CFR, 1959-1963 Comp., p. 427, unless otherwise noted.

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 *seq.*), and as President of the United States, it is ordered as follows:

The Central Intelligence Agency is hereby authorized to communicate for intelligence purposes, in accordance with the terms and conditions

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tions of any agreement for cooperation arranged pursuant to subsections 144 a, b, or c of the Act (42 U.S.C. 2162 (a), (b), or (c)), such Restricted Data and data removed from the Restricted Data category under subsection 142d of the Act (42 U.S.C. 2162 (d)) as is determined

(i) by the President, pursuant to the provisions of the Act, or
(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841, to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Central Intelligence Agency in accordance with the terms and conditions of the agreement for cooperation involved: *Provided*, that no such communication shall be made by the Central Intelligence Agency until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Central Intelligence Agency.

EDITORIAL NOTE: Executive Order 10899, insofar as it refers to functions of the Atomic Energy Commission, was modified by EO 12038 of Feb. 3, 1978, Chapter 10, p. 194, to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974.

Executive Order 12139—Foreign intelligence electronic surveillance

SOURCE: The provisions of Executive Order 12139 of May 23, 1979, appear at 44 FR 30311, 3 CFR, 1979 Comp., p. 397, unless otherwise noted.

By the authority vested in me as President by Sections 102 and 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802 and 1804), in order to provide as set forth in that Act for the authorization of electronic surveillance for foreign intelligence purposes, it is hereby ordered as follows:

1-101. Pursuant to Section 102(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802(a)), the Attorney General is authorized to approve electronic surveillance to acquire foreign intelligence information without a court order, but only if the Attorney General makes the certifications required by that Section.

1-102. Pursuant to Section 102(b) of the Foreign Intelligence Act of 1978 (50 U.S.C. 1802(b)), the Attorney General is authorized to approve applications to the court having jurisdiction under Section 103 of that Act to obtain orders for electronic surveillance for the purpose of obtaining foreign intelligence information.

1-103. Pursuant to Section 104(a)(7) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)), the following officials, each of whom is employed in the area of national security or defense, is

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designated to make the certifications required by Section 104(a)(7) of the Act in support of applications to conduct electronic surveillance:

- (a) Secretary of State.
- (b) Secretary of Defense.
- (c) Director of Central Intelligence.
- (d) Director of the Federal Bureau of Investigation.
- (e) Deputy Secretary of State.
- (f) Deputy Secretary of Defense.
- (g) Deputy Director of Central Intelligence.

None of the above officials, nor anyone officially acting in that capacity, may exercise the authority to make the above certifications, unless that official has been appointed by the President with the advice and consent of the Senate.

1-104. [Deleted]

1-105. [Deleted]

[Secs. 1-104 and 1-105 amended EO 12036 of Jan. 24, 1978, which was revoked by EO 12333 of Dec. 4, 1981.]

Executive Order 12333—United States intelligence activities

SOURCE: The provisions of Executive Order 12333 of Dec. 4, 1981, appear at 46 FR 59941, 3 CFR, 1981 Comp., p. 200, unless otherwise noted.

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Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

PART 1

Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort

1.1 *Goals.* The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 *The National Security Council.*

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive

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Branch entity that provides review of, guidance for and direction to conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissemination on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 *National Foreign Intelligence Advisory Groups.*

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

- (1) Production, review and coordination of national foreign intelligence;
- (2) Priorities for the National Foreign Intelligence Program budget;
- (3) Interagency exchanges of foreign intelligence information;
- (4) Arrangements with foreign governments on intelligence matters;
- (5) Protection of intelligence sources and methods;
- (6) Activities of common concern; and
- (7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departmental agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 *The Intelligence Community.* The agencies within the Intelligence Community shall, in accordance with applicable United States laws and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

(a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other executive Branch officials for the performance of their duties and responsibilities;

(b) Production and dissemination of intelligence;

(c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(d) Special activities;

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- (e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and
- (f) Such other intelligence activities as the President may direct from time to time.

1.5 *Director of Central Intelligence.* In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

- (a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

- (b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

- (c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;

- (d) Ensure implementation of special activities;

- (e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;

- (f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

- (g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;

- (h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

- (i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

- (j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;

- (k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

- (l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;

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(m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

(n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;

(r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies; and

(s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.

1.6 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by

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the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 *Senior Officials of the Intelligence Community.* The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

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(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;

(e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855) ¹) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;

(f) Conduct services of common concern for the Intelligence Community as directed by the NSC;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

(h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and

(i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 *The Department of State.* The Secretary of State shall:

(a) Overtly collect information relevant to United States foreign policy concerns;

(b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

(c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;

(d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

(e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 *The Department of the Treasury.* The Secretary of the Treasury shall:

(a) Overtly collect foreign financial and monetary information;

(b) Participate with the Department of State in the overt collection of general foreign economic information;

(c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

(d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office

¹ EDITORIAL NOTE: The correct citation is (87 Stat. 555).

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the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1.11 *The Department of Defense.* The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;

(e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;

(j) Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and

(k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

(a) *Defense Intelligence Agency*, whose responsibilities shall include;

(1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

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(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attache system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) *National Security Agency*, whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities including assignment of resources to an appropriate agent for such purposes and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection, processing and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standard timeliness assigned by the Secretary of Defense. If provision of support requires use of national collection systems, these systems shall be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons having similar associations with the NSA as are necessary;

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;

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(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and

(13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.

(c) *Offices for the collection of specialized intelligence through reconnaissance programs*, whose responsibilities shall include:

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps*, whose responsibilities shall include:

(1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense*. If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 *The Department of Energy*. The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 *The Federal Bureau of Investigation*. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

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(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

PART 2

Conduct of Intelligence Activities

2.1 *Need.* Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States is founded.

2.2 *Purpose.* This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 *Collection of Information.* Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

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(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

2.4 Collection Techniques. Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

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(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 Attorney General Approval. The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

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2.8 *Consistency With Other Laws.* Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 *Undisclosed Participation in Organizations Within the United States.* No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 *Human Experimentation.* No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

2.11 *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

PART 3

General Provisions

3.1 *Congressional Oversight.* The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 *Implementation.* The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the

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agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 *Procedures.* Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

3.4 *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

(a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.

(b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.

(d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.

(f) *Intelligence Community and agencies within the Intelligence Community* refer to the following agencies or organizations:

(1) The Central Intelligence Agency (CIA);

(2) The National Security Agency (NSA);

(3) The Defense Intelligence Agency (DIA);

(4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) The Bureau of Intelligence and Research of the Department of State;

(6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and

(7) The staff elements of the Director of Central Intelligence.

(g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:

(1) The programs of the CIA;

(2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence.

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gence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(4) Activities of the staff elements of the Director of Central Intelligence;

(5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

Executive Order 12334—President's Intelligence Oversight Board

SOURCE: The provisions of Executive Order 12334 of Dec. 4, 1981, appear at 46 FR 59955, 3 CFR, 1981 Comp., p. 216, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

SECTION 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence.

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The Board shall utilize such full-time staff and consultants as authorized by the President.

SEC. 2. The Board shall:

(a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;

(b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;

(c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;

(d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

SEC. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

SEC. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

SEC. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

SEC. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Executive Order 12356—National security information

SOURCE: The provisions of Executive Order 12356 of Apr. 2, 1982, appear at 47 FR 14874 and 15557, 3 CFR, 1982 Comp., p. 166, unless otherwise noted.

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This Order prescribes a uniform system for classifying, declassifying, and safeguarding national security information. It recognizes that it is essential that the public be informed concerning the activities of its Government, but that the interests of the United States and its citizens require that certain information concerning the national defense and foreign relations be protected against unauthorized disclosure. Information may not be classified under this Order unless its disclosure reasonably could be expected to cause damage to the national security.

NOW, by the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

PART 1

Original Classification

SECTION 1.1 *Classification Levels.*

(a) National security information (hereinafter "classified information") shall be classified at one of the following three levels:

(1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

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(3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

(b) Except as otherwise provided by statute, no other terms shall be used to identify classified information.

(c) If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within thirty (30) days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within thirty (30) days.

SEC. 1.2 Classification Authority.¹

¹ EDITORIAL NOTE: On May 7, 1982, the President issued an order of designation (47 FR 20105, 3 CFR, 1982 Comp., p. 257) the text of which follows:

Pursuant to the provisions of Section 1.2 of Executive Order No. 12356 of April 2, 1982, entitled "National Security Information," I hereby designate the following officials to classify information originally as "Top Secret", "Secret", or "Confidential":

TOP SECRET

Executive Office of the President:

The Vice President
The Counsellor to the President
The Chief of Staff and Assistant to the President
The Deputy Chief of Staff and Assistant to the President
The Director, Office of Management and Budget
The United States Trade Representative
The Assistant to the President for National Security Affairs
The Director, Office of Science and Technology Policy
The Chairman, The President's Foreign Intelligence Advisory Board
The Chairman, The President's Intelligence Oversight Board
The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
The Attorney General
The Secretary of Energy
The Chairman, Nuclear Regulatory Commission
The Director, United States Arms Control and Disarmament Agency
The Director of Central Intelligence
The Administrator, National Aeronautics and Space Administration
The Administrator of General Services
The Director, Federal Emergency Management Agency

SECRET

Executive Office of the President:

The Chairman, Council of Economic Advisers
The President's Personal Representative for Micronesian Status Negotiations
The Secretary of Commerce
The Secretary of Transportation
The Administrator, Agency for International Development
The Director, International Communication Agency

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(a) *Top Secret*. The authority to classify information originally as Top Secret may be exercised only by:

- (1) the President;
- (2) agency heads and officials designated by the President in the FEDERAL REGISTER; and
- (3) officials delegated this authority pursuant to Section 1.2(d).

(b) *Secret*. The authority to classify information originally as Secret may be exercised only by:

- (1) agency heads and officials designated by the President in the FEDERAL REGISTER;
- (2) officials with original Top Secret classification authority; and
- (3) officials delegated such authority pursuant to Section 1.2(d).

(c) *Confidential*. The authority to classify information originally as Confidential may be exercised only by:

- (1) agency heads and officials designated by the President in the FEDERAL REGISTER;
- (2) officials with original Top Secret or Secret classification authority; and
- (3) officials delegated such authority pursuant to Section 1.2(d).

(d) *Delegation of Original Classification Authority*.

(1) Delegations of original classification authority shall be limited to the minimum required to administer this Order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) Original Top Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Section 1.2(a)(2); and the senior official designated under Section 5.3(a)(1),¹ provided that official has been delegated original Top Secret classification authority by the agency head.

(3) Original Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1.2(a)(2) and 1.2(b)(1); an official with original Top Secret classification authority; and the senior official designated under Section 5.3(a)(1),¹ provided that official has been delegated original Secret classification authority by the agency head.

(4) Original Confidential classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1.2(a)(2), 1.2(b)(1) and 1.2(c)(1); an official with original Top Secret classification authority; and the senior official designated under Section 5.3(a)(1),¹ provided that official has been delegated original classification authority by the agency head.

CONFIDENTIAL

The President, Export-Import Bank of the United States
The President, Overseas Private Investment Corporation
The Administrator, Environmental Protection Agency

Any delegation of this authority shall be in accordance with Section 1.2(d) of the Order.

This Order shall be published in the FEDERAL REGISTER.

¹ EDITORIAL NOTE: The correct citation is Section 5.3(a).

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(5) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided in this Order. It shall identify the official delegated the authority by name or position title. Delegated classification authority includes the authority to classify information at the level granted and lower levels of classification.

(e) *Exceptional Cases.* When an employee, contractor, licensee, or grantee of an agency that does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this Order and its implementing directives. The information shall be transmitted promptly as provided under this Order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within thirty (30) days whether to classify this information. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the agency having primary subject matter interest and forward the information, with appropriate recommendations, to that agency for a classification determination.

SEC. 1.3 *Classification Categories.*

(a) Information shall be considered for classification if it concerns:

- (1) military plans, weapons, or operations;
- (2) the vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;
- (3) foreign government information;
- (4) intelligence activities (including special activities), or intelligence sources or methods;
- (5) foreign relations or foreign activities of the United States;
- (6) scientific, technological, or economic matters relating to the national security;
- (7) United States Government programs for safeguarding nuclear materials or facilities;
- (8) cryptology;
- (9) a confidential source; or
- (10) other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or by agency heads or other officials who have been delegated original classification authority by the President.

Any determination made under this subsection shall be reported promptly to the Director of the Information Security Oversight Office.

(b) Information that is determined to concern one or more of the categories in Section 1.3(a) shall be classified when an original classification authority also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security.

(c) Unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security.

(d) Information classified in accordance with Section 1.3 shall not be declassified automatically as a result of any unofficial publication or

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advertent or unauthorized disclosure in the United States or abroad of identical or similar information.

SEC. 1.4 *Duration of Classification.*

(a) Information shall be classified as long as required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Automatic declassification determinations under predecessor orders shall remain valid unless the classification is extended by an authorized official of the originating agency. These extensions may be by individual documents or categories of information. The agency shall be responsible for notifying holders of the information of such extensions.

(c) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of this Order.

SEC. 1.5 *Identification and Markings.*

(a) At the time of original classification, the following information shall be shown on the face of all classified documents, or clearly associated with other forms of classified information in a manner appropriate to the medium involved, unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information:

- (1) one of the three classification levels defined in Section 1.1;
- (2) the identity of the original classification authority if other than the person whose name appears as the approving or signing official;
- (3) the agency and office of origin; and
- (4) the date or event for declassification, or the notation "Originating Agency's Determination Required."

(b) Each classified document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are not classified. Agency heads may, for good cause, grant and revoke waivers of this requirement for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.

(c) Marking designations implementing the provisions of this Order, including abbreviations, shall conform to the standards prescribed in implementing directives issued by the Information Security Oversight Office.

(d) Foreign government information shall either retain its original classification or be assigned a United States classification that shall ensure a degree of protection at least equivalent to that required by the entity that furnished the information.

(e) Information assigned a level of classification under predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Omitted markings may be inserted on a document by the officials specified in Section 3.1(b).

SEC. 1.6 *Limitations on Classification.*

(a) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to

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prevent or delay the release of information that does not require protection in the interest of national security.

(b) Basic scientific research information not clearly related to the national security may not be classified.

(c) The President or an agency head or official designated under Sections 1.2(a)(2), 1.2(b)(1), or 1.2(c)(1) may reclassify information previously declassified and disclosed if it is determined in writing that (1) the information requires protection in the interest of national security; and (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office.

(d) Information may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of this Order (Section 3.4) if such classification meets the requirements of this Order and is accomplished personally and on a document-by-document basis by the agency head, the deputy agency head, the senior agency official designated under Section 5.3(a)(1),¹ or an official with original Top Secret classification authority.

PART 2

Derivative Classification

SEC. 2.1 Use of Derivative Classification.

(a) Derivative classification is (1) the determination that information is in substance the same as information currently classified, and (2) the application of the same classification markings. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

- (1) observe and respect original classification decisions; and
- (2) carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

SEC. 2.2 Classification Guides.

(a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.

(b) Each guide shall be approved personally and in writing by an official who:

- (1) has program or supervisory responsibility over the information or is the senior agency official designated under Section 5.3(a)(1);¹ and
- (2) is authorized to classify information originally at the highest level of classification prescribed in the guide.

¹ EDITORIAL NOTE: The correct citation is Section 5.3(a).

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(c) Agency heads may, for good cause, grant and revoke waivers of the requirement to prepare classification guides for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.

PART 3

Declassification and Downgrading

SEC. 3.1 Declassification Authority.

(a) Information shall be declassified or downgraded as soon as national security considerations permit. Agencies shall coordinate their review of classified information with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by Section 1.3 despite the passage of time will continue to be protected in accordance with this Order.

(b) Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the agency head or the senior agency official designated pursuant to Section 5.3(a)(1).¹

(c) If the Director of the Information Security Oversight Office determines that information is classified in violation of this Order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the National Security Council. The information shall remain classified, pending a prompt decision on the appeal.

(d) The provisions of this Section shall also apply to agencies that, under the terms of this Order, do not have original classification authority, but that had such authority under predecessor orders.

SEC. 3.2 Transferred Information.

(a) In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this Order.

(b) In the case of classified information that is not officially transferred as described in Section 3.2(a), but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purposes of this Order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the information.

(c) Classified information accessioned into the National Archives of the United States shall be declassified or downgraded by the Archivist of the United States in accordance with this Order, the directives of the Information Security Oversight Office, and agency guidelines.

SEC. 3.3 Systematic Review for Declassification.

¹ EDITORIAL NOTE: The correct citation is Section 5.3(a).

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(a) The Archivist of the United States shall, in accordance with procedures and timeframes prescribed in the Information Security Oversight Office's directives implementing this Order, systematically review for declassification or downgrading (1) classified records accessioned into the National Archives of the United States, and (2) classified presidential papers or records under the Archivist's control. Such information shall be reviewed by the Archivist for declassification or downgrading in accordance with systematic review guidelines that shall be provided by the head of the agency that originated the information, in the case of foreign government information, by the Director of the Information Security Oversight Office in consultation with interested agency heads.

(b) Agency heads may conduct internal systematic review procedures for classified information originated by their agencies containing records determined by the Archivist to be permanently valuable to the United States that have not been accessioned into the National Archives of the United States.

(c) After consultation with affected agencies, the Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

SEC. 3.4 Mandatory Review for Declassification.

(a) Except as provided in Section 3.4(b), all information classified under this Order or predecessor orders shall be subject to a review for declassification by the originating agency, if:

(1) the request is made by a United States citizen or permanent resident alien, a federal agency, or a State or local government; and

(2) the request describes the document or material containing information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort.

(b) Information originated by a President, the White House Staff, committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President acting on behalf of a President is exempted from the provisions of Section 3.4(a). The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services or the Archivist pursuant to Executive Orders 11652, 11653, 11654, 11655, 11656, 11657, 11658, 11659, 11660, 11661, 11662, 11663, 11664, 11665, 11666, 11667, 11668, 11669, 11670, 11671, 11672, 11673, 11674, 11675, 11676, 11677, 11678, 11679, 11680, 11681, 11682, 11683, 11684, 11685, 11686, 11687, 11688, 11689, 11690, 11691, 11692, 11693, 11694, 11695, 11696, 11697, 11698, 11699, 11700, 11701, 11702, 11703, 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11713, 11714, 11715, 11716, 11717, 11718, 11719, 11720, 11721, 11722, 11723, 11724, 11725, 11726, 11727, 11728, 11729, 11730, 11731, 11732, 11733, 11734, 11735, 11736, 11737, 11738, 11739, 11740, 11741, 11742, 11743, 11744, 11745, 11746, 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11760, 11761, 11762, 11763, 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They shall release this information unless withholding is otherwise authorized under applicable law.

(d) Agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They shall also provide a means for administratively appealing a denial of a mandatory review request.

(e) The Secretary of Defense shall develop special procedures for the review of cryptologic information, and the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, after consultation with affected agencies. The Archivist shall develop special procedures for the review of information accessioned into the National Archives of the United States.

(f) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this Order:

(1) An agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under this Order.

(2) When an agency receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response under Section 3.4(f)(1) is required, the referring agency shall respond to the requester in accordance with that Section.

PART 4

Safeguarding

SEC. 4.1 General Restrictions on Access.

(a) A person is eligible for access to classified information provided that a determination of trustworthiness has been made by agency heads or designated officials and provided that such access is essential to the accomplishment of lawful and authorized Government purposes.

(b) Controls shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(c) Classified information shall not be disseminated outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch.

(d) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this Section, the Department of Defense shall be considered one agency.

SEC. 4.2 Special Access Programs.

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(a) Agency heads designated pursuant to Section 1.2(a) may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to this Order or predecessor orders. Such programs may be created or continued only at the written direction of these agency heads. For special access programs pertaining to intelligence activities (including special activities but not including military operational, strategic and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence.

(b) Each agency head shall establish and maintain a system of accounting for special access programs. The Director of the Information Security Oversight Office, consistent with the provisions of Section 5.2(b)(4), shall have non-delegable access to all such accountings.

SEC. 4.3 Access by Historical Researchers and Former Presidential Appointees.

(a) The requirement in Section 4.1(a) that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in Section 4.3(b) for persons who:

- (1) are engaged in historical research projects, or
- (2) previously have occupied policy-making positions to which they were appointed by the President.

(b) Waivers under Section 4.3(a) may be granted only if the originating agency:

(1) determines in writing that access is consistent with the interest of national security;

(2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this Order; and

(3) limits the access granted to former presidential appointees to items that the person originated, reviewed, signed, or received while serving as a presidential appointee.

PART 5

Implementation and Review

SEC. 5.1 Policy Direction.

(a) The National Security Council shall provide overall policy direction for the information security program.

(b) The Administrator of General Services shall be responsible for implementing and monitoring the program established pursuant to this Order. The Administrator shall delegate the implementation and monitoring functions of this program to the Director of the Information Security Oversight Office.

SEC. 5.2 Information Security Oversight Office.

(a) The Information Security Oversight Office shall have a full-time Director appointed by the Administrator of General Services subject to approval by the President. The Director shall have the authority to appoint a staff for the Office.

(b) The Director shall:

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(1) develop, in consultation with the agencies, and promulgate, subject to the approval of the National Security Council, directives for the implementation of this Order, which shall be binding on the agencies;

(2) oversee agency actions to ensure compliance with this Order and implementing directives;

(3) review all agency implementing regulations and agency guidelines for systematic declassification review. The Director shall require any regulation or guideline to be changed if it is not consistent with this Order or implementing directives. Any such decision by the Director may be appealed to the National Security Council. The agency regulation or guideline shall remain in effect pending a prompt decision on the appeal;

(4) have the authority to conduct on-site reviews of the information security program of each agency that generates or handles classified information and to require of each agency those reports, information, and other cooperation that may be necessary to fulfill the Director's responsibilities. If these reports, inspections, or access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior official designated under Section 5.3(a)(1)¹ may deny access. The Director may appeal denials to the National Security Council. The denial of access shall remain in effect pending a prompt decision on the appeal;

(5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend presidential approval;

(6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the information security program;

(7) have the authority to prescribe, after consultation with affected agencies, standard forms that will promote the implementation of the information security program;

(8) report at least annually to the President through the National Security Council on the implementation of this Order; and

(9) have the authority to convene and chair interagency meetings to discuss matters pertaining to the information security program.

SEC. 5.3 *General Responsibilities.*

Agencies that originate or handle classified information shall:

(a) designate a senior agency official to direct and administer its information security program, which shall include an active oversight and security education program to ensure effective implementation of this Order;

(b) promulgate implementing regulations. Any unclassified regulations that establish agency information security policy shall be published in the FEDERAL REGISTER to the extent that these regulations affect members of the public;

(c) establish procedures to prevent unnecessary access to classified information, including procedures that (i) require that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and (ii) ensure that the number of persons granted access to classified information is limited to the mini-

¹ EDITORIAL NOTE: The correct citation is Section 5.3(a).

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ment consistent with operational and security requirements and needs; and

(d) develop special contingency plans for the protection of classified information used in or near hostile or potentially hostile areas.

SEC. 5.4 *Sanctions.*

(a) If the Director of the Information Security Oversight Office finds that a violation of this Order or its implementing directives may have occurred, the Director shall make a report to the head of the agency or to the senior official designated under Section 5.3(a)(1)¹ so that corrective steps, if appropriate, may be taken.

(b) Officers and employees of the United States Government, and its contractors, licensees, and grantees shall be subject to appropriate sanctions if they:

(1) knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under this Order or predecessor orders;

(2) knowingly and willfully classify or continue the classification of information in violation of this Order or any implementing directive; or

(3) knowingly and willfully violate any other provision of this Order or implementing directive.

(c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

(d) Each agency head or the senior official designated under Section 5.3(a)(1)¹ shall ensure that appropriate and prompt corrective action is taken whenever a violation under Section 5.4(b) occurs. Either shall ensure that the Director of the Information Security Oversight Office is promptly notified whenever a violation under Section 5.4(b) (1) or (2) occurs.

PART 6

General Provisions

SEC. 6.1 *Definitions.*

(a) "Agency" has the meaning provided at 5 U.S.C. 552(e).

(b) "Information" means any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government.

(c) "National security information" means information that has been determined pursuant to this Order or any predecessor order to require protection against unauthorized disclosure and that is so designated.

(d) "Foreign government information" means:

(1) information provided by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the information, or both, are to be held in confidence; or

(2) information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or govern-

¹ EDITORIAL NOTE: The correct citation is Section 5.3(a).

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ments or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence.

(e) "National security" means the national defense or foreign relations of the United States.

(f) "Confidential source" means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation, expressed or implied, that the information or relationship, or both, be held in confidence.

(g) "Original classification" means an initial determination that information requires, in the interest of national security, protection against unauthorized disclosure, together with a classification designation signifying the level of protection required.

SEC. 6.2 General.

(a) Nothing in this Order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

(b) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this Order with respect to any question arising in the course of its administration.

(c) Nothing in this Order limits the protection afforded any information by other provisions of law.

(d) Executive Order No. 12065 of June 28, 1978, as amended, is revoked as of the effective date of this Order.

(e) This Order shall become effective on August 1, 1982.

Executive Order 12537—President's Foreign Intelligence Advisory Board

SOURCE: The provisions of Executive Order 12537 of Oct. 28, 1985, appear at 50 FR 45083, 3 CFR, 1985 Comp., p. 394, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, it is ordered as follows:

SECTION 1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (the "Board"). The Board shall consist of not more than sixteen members, who shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the government who are qualified on the basis of achievement, experience, and independence. The President shall establish the terms of the members upon their appointment. To the extent practicable, one-third of the Board at any one time shall be comprised of members whose current term of service does not exceed two years. The President shall designate a Chairman and Vice Chairman from among the members. The Board shall utilize full-

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time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.
[Sec. 1 amended by EO 12624 of Jan. 6, 1988, 53 FR 489, 3 CFR, 1988 Comp., p. 590]

SEC. 2. The Board shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, of counterintelligence, and other intelligence activities. The Board shall have the authority to continually review the performance of all agencies of the Federal government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The Board shall further be authorized to assess the adequacy of management, personnel, and organization in the intelligence agencies.

SEC. 3. The Board shall report directly to the President and advise him concerning the objectives, conduct, management, and coordination of the various activities of the agencies of the intelligence community. The Board shall report periodically, but at least semiannually, concerning findings and appraisals and shall make appropriate recommendations for actions to improve and enhance the performance of the intelligence efforts of the United States.

SEC. 4. The Board shall receive, consider, and recommend appropriate action with respect to matters, identified to the Board by the Director of Central Intelligence, the Central Intelligence Agency, or other government agencies engaged in intelligence or related activities, in which the support of the Board will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the Board shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

SEC. 5. The Board shall have access to the full extent permitted by applicable law to all information necessary to carry out its duties in the possession of any agency of the Federal government. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

SEC. 6. Members of the Board shall serve without compensation, but may receive transportation, expenses, and per diem allowance as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

SEC. 7. Executive Order No. 12331 of October 20, 1981 is revoked.

CHAPTER 33—NAVIGATION AND NAVIGABLE WATERS

Proclamations

- 3632 Regulations for preventing collisions at sea
5928 Territorial sea of the United States of America

Executive Orders

- 10581 Approving a seal for the St. Lawrence Seaway Development Corporation
11177 Providing for certain arrangements under the Columbia River Treaty
11239 Enforcement of the Convention for Safety of Life at Sea, 1960
11964 Implementation of the Convention on the International Regulations for Preventing Collisions at Sea, 1972

Proclamation 3632—Regulations for preventing collisions at sea

SOURCE: The provisions of Proclamation 3632 of Dec. 29, 1964, appear at 29 FR 19167, 3 CFR, 1964-1965 Comp., p. 73, unless otherwise noted.

WHEREAS certain regulations designated as Regulations for Preventing Collisions at Sea, 1960, were approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17 to June 17, 1960; and

WHEREAS the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194), hereinafter referred to as the Act, authorizes the President of the United States of America to proclaim those regulations, which are set forth in Section 4 of the Act, and to specify the effective date thereof, the regulations to have effect (after the effective date thus specified), as if enacted by statute; and

WHEREAS on March 12, 1964, the Government of the United States of America communicated to the Inter-Governmental Maritime Consultative Organization, as depository agency, its acceptance of the regulations; and

WHEREAS the Government of the United States of America has been notified by the Inter-Governmental Maritime Consultative Organization, as depository agency, that substantial unanimity has been reached as to the acceptance by interested countries, and that it has

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fixed September 1, 1965, as the date on and after which the regulations shall be applied by the governments which have accepted them; and

WHEREAS the Act provides that the Regulations for Preventing Collisions at Sea, 1948 (65 Stat. 406), as proclaimed and made effective as of January 1, 1954, by Proclamation No. 3030 of August 15, 1954, shall be of no further force or effect after the effective date proclaimed for the Regulations for Preventing Collisions at Sea, 1960.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, under and by virtue of the authority vested in me by the Act, do hereby proclaim the Regulations for Preventing Collisions at Sea, 1960, as set forth in Section 4 of the Act, which regulations are attached hereto and made a part hereof,¹ and do hereby specify that the effective date thereof shall be September 1, 1965.

Proclamation No. 3030 is superseded effective as of September 1, 1965.

Proclamation 5928—Territorial sea of the United States of America

SOURCE: The provisions of Proclamation 5928 of Dec. 27, 1988, appear at 54 FR 794, CFR, 1988 Comp., p. 547, unless otherwise noted.

International law recognizes that coastal nations may exercise sovereignty and jurisdiction over their territorial seas.

The territorial sea of the United States is a maritime zone extending beyond the land territory and internal waters of the United States over which the United States exercises sovereignty and jurisdiction, a sovereignty and jurisdiction that extend to the airspace over the territorial sea, as well as to its bed and subsoil.

Extension of the territorial sea by the United States to the limits permitted by international law will advance the national security and other significant interests of the United States.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution of the United States of America, and in accordance with international law, do hereby proclaim the extension of the territorial sea of the United States of America, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.

The territorial sea of the United States henceforth extends to 12 nautical miles from the baselines of the United States determined in accordance with international law.

In accordance with international law, as reflected in the applicable provisions of the 1982 United Nations Convention on the Law of the Sea, within the territorial sea of the United States, the ships of all countries enjoy the right of innocent passage and the ships and aircraft of all countries enjoy the right of transit passage through international straits.

Nothing in this Proclamation:

¹ EDITORIAL NOTE: Filed with the Office of the Federal Register as part of the original document. The regulations are printed with the 1960 convention at 16 UST 794, 5813.

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(a) extends or otherwise alters existing Federal or State law or any jurisdiction, rights, legal interests, or obligations derived therefrom; or
(b) impairs the determination, in accordance with international law, of any maritime boundary of the United States with a foreign jurisdiction.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of December, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and thirteenth.

Executive Order 10581—Approving a seal for the Saint Lawrence Seaway Development Corporation

SOURCE: The provisions of Executive Order 10581 of Dec. 10, 1954, appear at 19 FR 8553, 3 CFR, 1954-1958 Comp., p. 230, unless otherwise noted.

WHEREAS the Saint Lawrence Seaway Development Corporation, created by the act of May 13, 1954, 68 Stat. 92, has, under authority of the said act, caused to be made and has adopted a corporate seal; and

WHEREAS the Administrator of the Saint Lawrence Seaway Development Corporation has recommended that I approve such seal, the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

On a sea green disk, Neptune's spear palewise in white, between an American bald eagle displayed and a Canadian maple leaf all gold, partially encircled by the inscription "SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION" and in an inner arc the words "UNITED STATES OF AMERICA" in white letters.

AND WHEREAS it appears that such seal is of suitable design and appropriate for use as the corporate seal of the Saint Lawrence Seaway Development Corporation, an agency of the United States of America:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the corporate seal of the Saint Lawrence Seaway Development Corporation.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10581, is printed in 3 CFR, 1954-1958 Comp., p. 230.

Executive Order 11177—Providing for certain arrangements under the Columbia River Treaty

SOURCE: The provisions of Executive Order 11177 of Sept. 16, 1964, appear at 29 FR 13097, 3 CFR, 1964-1965 Comp., p. 243, unless otherwise noted.

WHEREAS the treaty between the United States and Canada relating to cooperative development of the water resources of the Columbia River Basin (signed at Washington, D.C., on January 17, 1961; Executive C, 87th Congress, 1st Session) has come into force; and

WHEREAS Article XIV of such treaty (hereinafter referred to as the Treaty) provides for the designation of certain entities which are empowered and charged with the duty to formulate and carry out the operating arrangements necessary to implement the Treaty, and authorizes the United States of America to designate one or more of such entities; and

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WHEREAS Article XV of the Treaty authorizes the United States of America to appoint two members of the Permanent Engineering Board established by that Article:

NOW, THEREFORE, by virtue of the authority vested in me by the Treaty and by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

PART I. UNITED STATES ENTITY

SECTION 101. *Designation of Entity.* The Administrator of the Bonneville Power Administration, Department of Energy, and the Division Engineer, North Pacific Division, Corps of Engineers, Department of the Army, are hereby designated as an entity under Article XIV of the Treaty, to be known as the United States Entity for the Columbia River Treaty (hereinafter referred to as the Entity). The designated Administrator shall be the Chairman of the Entity.

[Sec. 101 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 102. *Functions of the Entity.* The Entity shall have the functions set forth therefor in Article XIV, and in other provisions, of the Treaty.

SEC. 103. *Departmental responsibilities.* This order shall not affect (1) the respective responsibilities of the Department of the Army and the Department of Energy for project operation and administration, (2) the respective responsibilities of the Secretary of the Army and the Chief of Engineers for the supervision and direction of the Department of the Army and the Office of the Chief of Engineers, or (3) the responsibilities of the Secretary of Energy for the supervision and direction of the Department of Energy.

[Sec. 103 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

PART II. UNITED STATES SECTION, PERMANENT ENGINEERING BOARD

SEC. 201. *Appointment of members of the Permanent Engineering Board.* (a) The Secretary of Energy and the Secretary of the Army shall each appoint one person as a United States member of the Permanent Engineering Board established by Article XV of the Treaty.

(b) Each such person shall be selected from among appropriate qualified individuals, who at the time of appointment may be, but need not necessarily be, officers or employees of the United States, and shall serve as a member of the Board during the pleasure of the appointing Secretary.

[Sec. 201 amended by EO 12038 of Feb. 3, 1978, 43 FR 4957, 3 CFR, 1978 Comp., p. 136]

SEC. 202. *Alternate members.* In addition to the two members appointed under the provisions of Section 201 of this order, there shall be two alternate United States members of the Permanent Engineering Board. The provisions of Section 201 of this order shall apply to the selection, appointment, and service of the alternate members.

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SEC. 203. *United States Section.* The members and alternate members appointed under the foregoing provisions of this Part shall compose the United States Section, Permanent Engineering Board, Columbia River Treaty, hereinafter referred to as the United States Section. The member appointed by the Secretary of the Army under Section 201(a) of this order shall be the Chairman of the United States Section.

SEC. 204. *Assistance to the United States Section.* With the consent of the respective heads thereof, departments and agencies of the Federal Government may, upon the request of the United States Section and to the extent not inconsistent with law, furnish assistance needed by the Section in connection with the performance of its functions.

PART III. GENERAL

SEC. 301. *Reservation.* There is hereby reserved the right to modify or terminate any or all of the provisions of this order.

Executive Order 11239—Enforcement of the Convention for Safety of Life at Sea, 1960

SOURCE: The provisions of Executive Order 11239 of July 31, 1965, appear at 30 FR 9671, 3 CFR, 1964–1965 Comp., p. 334, unless otherwise noted.

CROSS REFERENCE: Executive Order 12234 of Sept. 3, 1980, Chapter 46, p. 932, supersedes Executive Order 11239 to the extent that the International Convention for the Safety of Life at Sea, 1974, replaces and abrogates the International Convention for the Safety of Life at Sea, 1960.

WHEREAS under Article I of the International Convention for Safety of Life at Sea, signed at London on June 17, 1960, ratified by the United States of America, and proclaimed by the President on March 24, 1965 (TIAS 5780), hereinafter sometimes referred to as the Convention, the Government of the United States of America, together with the governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the Convention and of the Regulations annexed thereto, to promulgate all laws, decrees, orders, and regulations, and to take all other steps which may be necessary to give the Convention full and complete effect, so as to insure that, from the point of view of safety of life, a ship is fit for the service for which it is intended; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the Convention, that several departments and agencies of the Executive Branch of the Government perform functions and duties thereunder; and

WHEREAS, in accordance with Article XI thereof, the Convention came into force on May 26, 1965:

NOW, THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3 of the United States Code and as President of the United States of America, it is ordered as follows:

SECTION 1. The Secretary of State, the Secretary of Transportation (acting through the Coast Guard), the Secretary of Commerce (acting through the Weather Bureau), and the Federal Communications Commission, respectively, are hereby directed, in relation to the fulfillment of the obligations undertaken by the Government of the United States

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of America under the Convention, to perform the functions and duties therein prescribed and undertaken which appertain to the functions and duties which they severally are now authorized or directed by law to perform. Each of the Secretaries and the Commission shall cooperate and assist the others in carrying out the duties imposed by the Convention and by this order.

[Sec. 1 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp. p. 691]

SEC. 2. The Secretary of Transportation (acting through the Coast Guard), or such other agency as may be authorized by law so to do, shall issue certificates as required by the Convention, and in any case in which a certificate is to include matter which appertains to the functions and duties directed or authorized by law to be performed by the head of any department or agency other than the head of the issuing agency, the head of the issuing agency shall first ascertain from the head of the other department or agency his decision with respect to such matter, and such decision shall be final and binding.

[Sec. 2 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp. p. 691]

SEC. 3. In the performance of functions and duties described in Sections 1 and 2 of this order, the Secretary of Transportation (acting through the Coast Guard) may avail himself of the services of the American Bureau of Shipping so long as that Bureau is operated in compliance with Section 25 of the Act of June 5, 1920, as amended (46 U.S.C. 881), and may make all necessary provisions for the performance by the Bureau of specified duties undertaken under the Convention and to permit the Bureau to issue cargo ship safety construction certificates to those cargo vessels found to be in compliance with the Convention, which are classed by the Bureau. The Secretary of Transportation (acting through the Coast Guard) shall establish all necessary regulations required to carry out in the most effective manner the provisions of the Convention.

[Sec. 3 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp. p. 691]

SEC. 4. Whenever the Coast Guard operates as a service in the Navy, the functions to be performed by the Secretary of Transportation (acting through the Coast Guard) under this order shall vest in and be performed by the Secretary of the Navy (acting through the Coast Guard).

[Sec. 4 amended by EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp. p. 691]

SEC. 5. (a) This order supersedes Executive Order No. 10402 of October 30, 1952, entitled "Enforcement of the Convention for Safety of Life at Sea, 1948," to the extent that the International Convention for Safety of Life at Sea signed at London on June 17, 1960, replaces and abrogates the International Convention for Safety of Life at Sea signed at London on June 10, 1948.

(b) Executive Order No. 7548 of February 5, 1937, entitled "Enforcement of the Convention for Safety of Life at Sea, 1929," is hereby revoked.

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Executive Order 11964—Implementation of the Convention on the International Regulations for Preventing Collisions at Sea, 1972

SOURCE: The provisions of Executive Order 11964 of Jan. 19, 1977, appear at 42 FR 4327, 3 CFR, 1977 Comp., p. 88, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 301 of Title 3 of the United States Code, and as President of the United States of America and Commander-in-Chief of the Armed Forces, in order to provide for the coming into force on July 15, 1977, of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Senate Executive W, 93d Cong., 1st Sess.), it is hereby ordered as follows:

SECTION 1. (a) With respect to vessels of special construction or purpose, the Secretary of the Navy, for vessels of the Navy, and the Secretary of the Department in which the Coast Guard is operating, for all other vessels, shall determine and certify, in accord with Rule I of the International Regulations for Preventing Collisions at Sea, 1972, hereinafter referred to as the International Regulations, as to which such vessels cannot comply fully with the provisions of any of the International Regulations with respect to the number, positions, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel.

(b) With respect to vessels for which a certification is issued, the Secretary issuing the certification shall certify as to such other provisions which are the closest possible compliance by that vessel with the International Regulations.

(c) Notice of any certification issued shall be published in the FEDERAL REGISTER.

SEC. 2. The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the Department in which the Coast Guard is operating is authorized, to the extent permitted by law, including the provisions of Title 14 of the United States Code, to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet. In accord with Rule I of the International Regulations, the additional station or signal lights of whistle signals contained in the special rules shall be, as far as possible, such as they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules for fishing vessels shall be published in the FEDERAL REGISTER.

SEC. 3. The Secretary of the Navy, for vessels of the Navy, and the Secretary of the Department in which the Coast Guard is operating, for all other vessels, are authorized to exempt, in accord with Rule 38 of the International Regulations, any vessel or class of vessels, the keel of which is laid, or which is at a corresponding stage of construction, before July 15, 1977, from full compliance with the International Regulations, provided that such vessel or class of vessels complies with the requirements of the International Regulations for Preventing Collisions

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at Sea, 1960. Notice of any exemption granted shall be published in the FEDERAL REGISTER.

SEC. 4. The Secretary of the Department in which the Coast Guard is operating is authorized, to the extent permitted by law, to promulgate such rules and regulations that are necessary to implement the provisions of the Convention and International Regulations. He shall cause to be published in the FEDERAL REGISTER any implementing regulations or interpretive rulings promulgated pursuant to this Order, and shall promptly publish in the FEDERAL REGISTER the full text of the International Regulations.

CHAPTER 34—GOVERNMENT MANAGEMENT

Executive Orders

- 6166 Organization of executive agencies
- 8512 Regulations pertaining to budgetary administration and financial reporting
- 9094 Abolishing the Board of Surveys and Maps and authorizing the Director of the Office of Management and Budget to perform its functions
- 10033 Regulations governing the providing of statistical information to intergovernmental organizations
- 10253 Providing for the improvement of the work of Federal executive agencies with respect to statistical information
- 10654 Delegating certain functions of the President to the Director of the Office of Management and Budget
- 10797 Delegating to the Director of the Office of Management and Budget certain authority vested in the President by the Federal Aviation Act of 1958
- 11541 Prescribing the duties of the Office of Management and Budget and the Domestic Council in the Executive Office of the President
- 11592 Delegating certain authority of the President to the Director of the Office of Management and Budget
- 11600 Establishing a seal for the Office of Management and Budget
- 11609 Delegating certain functions vested in the President to other officers of the Government
- 11717 Transferring certain functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce
- 11845 Delegating certain reporting functions to the Director of the Office of Management and Budget
- 11874 Delegation of functions to the Director of the Office of Management and Budget
- 11893 Transferring certain functions from the General Services Administration to the Office of Management and Budget
- 12024 Relating to the transfer of certain advisory committee functions
- 12152 Director of the Office of Management and Budget
- 12291 Federal regulation
- 12318 Statistical policy functions
- 12372 Intergovernmental review of Federal programs
- 12479 Management reform in the Federal Government
- 12493 President's Commission on Executive Exchange

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12498	Regulatory planning process
12505	Conversion of appointments
12549	Debarment and suspension
12574	Establishing an experimental program within the President's Commission on Executive Exchange
12606	The family
12612	Federalism
12615	Performance of commercial activities
12625	Integrity and efficiency in Federal programs
12630	Governmental actions and interference with constitutionally protected property rights
12637	Productivity Improvement Program for the Federal Government

Executive Order 6166—Organization of executive agencies

SOURCE: The provisions of Executive Order 6166 of June 10, 1933, do not appear in the Federal Register system.

WHEREAS section 16 of the act of March 3, 1933 (Public, No. 426, 47 Stat. 1517), provides for reorganizations within the executive branch of the Government; requires the President to investigate and determine what reorganizations are necessary to effectuate the purposes of the statute; and authorizes the President to make such reorganizations by Executive order; and

WHEREAS I have investigated the organization of all executive and administrative agencies of the Government and have determined that certain regroupings, consolidations, transfers, and abolitions of executive agencies and functions thereof are necessary to accomplish the purposes of section 16;

NOW, THEREFORE, by virtue of the aforesaid authority, I do hereby order that:

SECTION 1.—*Procurement*

The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency is transferred to a Procurement Division¹ in the Treasury Department, at the head of which shall be a Director of Procurement.

The Office of the Supervising Architect of the Treasury Department is transferred to the Procurement Division, except that the buildings of the Treasury Department shall be administered by the Treasury Department and the administration of post office buildings is transferred to the Post Office Department.² The General Supply Committee of the Treasury Department is abolished.

¹ EDITORIAL NOTE: The Procurement Division of the Treasury Department was renamed the Bureau of Federal Supply by Treasury Department order 73 of Nov. 19, 1946, effective Jan. 1, 1947. The Bureau of Federal Supply was abolished, and its functions transferred to the Administrator of General Services, by act of June 30, 1949 (63 Stat. 380, 40 U.S.C. 752).

² EDITORIAL NOTE: The Post Office Department was reorganized as the United States Postal Service by Pub. L. 91-375 of Aug. 12, 1970 (84 Stat. 719, 39 U.S.C. 101 et seq.).

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In respect of any kind of procurement, warehousing, or distribution for any agency the Procurement Division may, with the approval of the President, (a) undertake the performance of such procurement, warehousing, or distribution itself, or (b) permit such agency to perform such procurement, warehousing, or distribution, or (c) entrust such performance to some other agency, or (d) avail itself in part of any of these recourses, according as it may deem desirable in the interest of economy and efficiency. When the Procurement Division has prescribed the manner of procurement, warehousing, or distribution of any thing, no agency shall thereafter procure, warehouse, or distribute such thing in any manner other than so prescribed.

The execution of work now performed by the Corps of Engineers of the Army shall remain with said corps, subject to the responsibilities herein vested in the Procurement Division.

The Procurement Division shall also have control of all property, facilities, structures, machinery, equipment, stores, and supplies not necessary to the work of any agency; may have custody thereof or entrust custody to any other agency; and shall furnish the same to agencies as need therefor may arise.

The Fuel Yards of the Bureau of Mines ¹ of the Department of Commerce are transferred to the Procurement Office.

[Sec. 1 amended by EO 6623 of Mar. 1, 1934]

SECTION 2.—*National Parks, Buildings, and Reservations*

All functions of administration of public buildings, reservations, national parks, national monuments, and national cemeteries are consolidated in an Office of National Parks, Buildings, and Reservations ² in the Department of the Interior, at the head of which shall be a Director of National Parks, Buildings, and Reservations; except that where deemed desirable there may be excluded from this provision any public building or reservation which is chiefly employed as a facility in the work of a particular agency. This transfer and consolidation of functions shall include, among others, those of the National Park Service of the Department of the Interior and the National Cemeteries and Parks of the War Department ³ which are located within the continental limits of the United States. National cemeteries located in foreign countries shall be transferred to the Department of State, and those located in insular possessions under the jurisdiction of the War Department

¹ EDITORIAL NOTE: The Bureau of Mines was transferred to the Department of the Interior by Executive Order 6611 of Feb. 22, 1934.

² EDITORIAL NOTE: The Office of National Parks, Buildings, and Reservations was renamed the National Park Service by act of Mar. 2, 1934 (48 Stat. 369).

³ EDITORIAL NOTE: The War Department was reorganized under the National Military Establishment by Title II of the act of July 26, 1947 (61 Stat. 499). The National Military Establishment was redesignated as the Department of Defense by act of Aug. 10, 1949 (63 Stat. 579, 5 U.S.C. 171).

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shall be administered by the Bureau of Insular Affairs¹ of the War Department.²

The functions of the following agencies are transferred to the Office of National Parks, Buildings, and Reservations of the Department of the Interior, and the agencies are abolished:

- Arlington Memorial Bridge Commission
- Public Buildings Commission
- Public Buildings and Public Parks of the National Capital
- National Memorial Commission
- Rock Creek and Potomac Parkway Commission

Expenditures by the Federal Government for the purposes of the Commission of Fine Arts, the George Rogers Clark Sesquicentennial Commission, and the Rushmore National Commission shall be administered by the Department of the Interior.

SECTION 3.—Investigations

All functions now exercised by the Bureau of Prohibition of the Department of Justice with respect to the granting of permits under national prohibition laws are transferred to the Division of Internal Revenue³ in the Treasury Department.

All functions now exercised by the Bureau of Prohibition with respect to investigations and all the functions now performed by the Bureau of Investigation of the Department of Justice are transferred

¹ EDITORIAL NOTE: Functions of the Bureau of Insular Affairs were transferred to the Division of Territories and Island Possessions of the Interior Department by Reorganization Plan II of 1939, 4 FR 2731, 3 CFR, 1938-1943 Comp., p. 1294, effective March 1, 1939.

² EDITORIAL NOTE: Executive Order 6228 of July 28, 1933, reinterpreted the first paragraph of section 2 by providing a specific list of War Department cemeteries and parks to be transferred to the Department of the Interior. The transfer of national cemeteries other than those listed was postponed "until further order." Also, the provisions of the first sentence of the first paragraph were also postponed until further order.

Additionally, Executive Order 6614 of Feb. 26, 1934, contained the following provisions:

... it is ordered that so much of section 2 of Executive Order No. 6166 of June 1, 1933, as provides that the functions of administration pertaining to national cemeteries located in foreign countries shall be transferred to the Department of State be, and hereby, revoked.

It is further ordered that all functions of administration pertaining to national cemeteries and memorials located in Europe now vested in or exercised by the War Department together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, be, and they are hereby, transferred from the War Department to the American Battle Monuments Commission.

The unexpended balances of appropriations and/or allotments of appropriations or which may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Bureau of the Budget may deem necessary, and any remaining balance shall, in accordance with law, be impounded and turned to the Treasury.

³ EDITORIAL NOTE: The Division of Internal Revenue, also known as the Bureau of Internal Revenue, was redesignated as the Internal Revenue Service by Treasury Department order 6038 of Aug. 21, 1953 (18 FR 5120).

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and consolidated in a Division of Investigation¹ in the Department of Justice, at the head of which shall be a Director of Investigation.

All other functions now performed by the Bureau of Prohibition are transferred to such divisions in the Department of Justice as in the judgment of the Attorney General may be desirable.²

SECTION 4.—[Repealed]

[Sec. 4 repealed by Pub. L. 97-258 of Sept. 13, 1982 (96 Stat. 1086)]

SECTION 5.—*Claims by or against the United States*

The functions of prosecuting in the courts of the United States claims and demands by, and offenses against, the Government of the United States, and of defending claims and demands against the Government, and of supervising the work of United States attorneys, marshals, and clerks in connection therewith, now exercised by any agency or officer, are transferred to the Department of Justice.

As to any case referred to the Department of Justice for prosecution or defense in the courts, the function of decision whether and in what manner to prosecute, or to defend, or to compromise, or to appeal, or to abandon prosecution or defense, now exercised by any agency or officer, is transferred to the Department of Justice.

For the exercise of such of his functions as are not transferred to the Department of Justice by the foregoing two paragraphs, the Solicitor of

¹ EDITORIAL NOTE: The Division of Investigation was redesignated as the Federal Bureau of Investigation by act of Mar. 22, 1935 (49 Stat. 77, 28 U.S.C. 531 nt.).

² EDITORIAL NOTE: Executive Order 6639 of Mar. 10, 1934, revoked Executive Order 6166 insofar as it was in conflict with the provisions of Executive Order 6639. Sec. 1(b) of Executive Order 6639 contains the following provisions:

The authority, rights, privileges, powers, and duties conferred and imposed upon the Attorney General by the act of May 27, 1930 (ch. 342, 46 Stat. 427), entitled "An Act to transfer to the Attorney General certain functions in the administration of the National Prohibition Act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes," so far as they are required to, or may, be exercised and performed under existing law, are transferred to and shall be held, exercised, and performed by the Commissioner of Internal Revenue, and his assistants, agents, and inspectors, under the direction of the Secretary of the Treasury: *Provided*, That the Attorney General shall continue to exercise the power and authority (a) to remit or mitigate forfeitures under the Internal Revenue laws and to determine liability for Internal Revenue taxes and penalties, in connection with violations of the National Prohibition Act occurring prior to the repeal of the eighteenth amendment, and (b) to institute suits upon any cause of action under the National Prohibition Act or under the Internal Revenue laws involving a violation of the National Prohibition Act, arising prior to, and/or not affected by, the repeal of the eighteenth amendment, and to compromise any such cause of action before or after suit is brought: *And provided further*, That the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, shall prescribe all regulations under the provisions of the National Prohibition Act, and all laws amendatory thereof or supplementary thereto, which were not rendered inoperative by the repeal of the eighteenth amendment, relating to permits, and he shall prescribe the form of all applications, bonds, permits, records, and reports under such acts.

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the Treasury¹ is transferred from the Department of Justice to the Treasury Department.

Nothing in this section shall be construed to affect the function of any agency or officer with respect to cases at any stage prior to reference to the Department of Justice for prosecution or defense.

SECTION 6.—*Insular Courts*

The United States Court for China,² the District Court of the United States for the Panama Canal Zone,³ and the District Court of the Virgin Islands of the United States are transferred to the Department of Justice.

SECTION 7.—*Solicitors*

The Solicitor for the Department of Commerce⁴ is transferred from the Department of Justice to the Department of Commerce.

The Solicitor for the Department of Labor is transferred from the Department of Justice to the Department of Labor.

SECTION 8.—*Internal Revenue*

The Bureaus of Internal Revenue and of Industrial Alcohol of the Treasury Department are consolidated in a Division of Internal Revenue.

¹ EDITORIAL NOTE: The Office of the Solicitor of the Treasury was abolished by act of May 10, 1934 (48 Stat. 758), and functions transferred to the General Counsel, Department of the Treasury.

² EDITORIAL NOTE: The act of June 30, 1906 (34 Stat. 814), which created the United States Court for China, was repealed by act of June 25, 1948 (62 Stat. 995).

³ EDITORIAL NOTE: Executive Order 6390 of Nov. 3, 1933, contains the following provisions:

(1) Upon the transfer from the War Department to the Department of Justice of the function of supervision over the District Court of the United States for the Panama Canal Zone, the said court and its personnel shall continue to receive the perquisites, privileges, and allowances to which they are now entitled and receiving, and the War Department shall continue to furnish, as heretofore, to the court and to its personnel all necessary office quarters, equipment, and facilities, (b) library facilities, and (c) travel facilities within the Canal Zone; and the War Department shall not require payment from the Department of Justice for such quarters, equipment, and facilities.

(2) The marshal for the Panama Canal Zone shall disburse all funds under the control of the Department of Justice required for the maintenance and operation of the said court and shall give bond for the faithful performance of his duties in such amount as may be fixed by the Attorney General.

(3) This order is not intended to supersede, or in anywise affect, section 4 of Executive Order No. 6166, of June 10, 1933, insofar as said section may become applicable under the provisions of Executive Order No. 6224, of July 27, 1933.

(4) Except as provided in paragraph numbered (3), all prior Executive orders are hereby revoked insofar, and to such extent, as they may be in conflict or inconsistent with this order.

⁴ EDITORIAL NOTE: The Solicitor of the Department of Commerce was redesignated the General Counsel, Department of Commerce, by act of July 17, 1952 (66 Stat. 1508 nt.).

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nue, at the head of which shall be a Commissioner of Internal Revenue.¹

SECTION 9.—Assistant Secretary of Commerce

The Assistant Secretary of Commerce for Aeronautics shall be an Assistant Secretary of Commerce and shall perform such functions as the Secretary of Commerce may designate.

EDITORIAL NOTE: The functions of all officials of the Department of Commerce were transferred to the Secretary of Commerce by Reorganization Plan No. 5 of 1950, 15 FR 3174, 3 CFR, 1949-1953 Comp., p. 1004, effective May 24, 1950.

SECTION 10.—Official Register

The function of preparation of the Official Register² is transferred from the Bureau of the Census to the Civil Service Commission.³

SECTION 11.—Statistics of Cities

The function of the Bureau of the Census of the Department of Commerce of compiling statistics of cities under 100,000 population is abolished for the period ending June 30, 1935.

SECTION 12.—Shipping Board

The functions of the United States Shipping Board including those over and in respect to the United States Shipping Board Merchant Fleet Corporation⁴ are transferred to the Department of Commerce, and the United States Shipping Board is abolished.

¹ EDITORIAL NOTE: Executive Order 6639 of Mar. 10, 1934, revoked Executive Order 6166 insofar as it was in conflict with the provisions of Executive Order 6639. Secs. 1(a), 2(a), and 3(a) of Executive Order 6639 contain the following provisions:

1(a). The Bureau of Industrial Alcohol and the Office of Commissioner of Industrial Alcohol are abolished, and the authority, rights, privileges, powers, and duties conferred and imposed by law upon the Commissioner of Industrial Alcohol are transferred to and shall be held, exercised, and performed by the Commissioner of Internal Revenue, and his assistants, agents, and inspectors, under the direction of the Secretary of the Treasury.

2(a). The official records and papers on file in, and pertaining to the business of, the Bureau of Industrial Alcohol, together with the supplies, furniture, equipment, and other property of the United States in use in such Bureau, are transferred to the Bureau of Internal Revenue.

3(a). The officers and employees employed in, or under the jurisdiction of, the Bureau of Industrial Alcohol, are transferred to the Bureau of Internal Revenue, without change in classification or compensation.

² EDITORIAL NOTE: The act of Aug. 28, 1935 (49 Stat. 956), which required annual compilation and publication of the Official Register, was repealed by act of July 12, 1960 (74 Stat. 427), and the last Register was published in 1959.

³ EDITORIAL NOTE: The Civil Service Commission was redesignated as the Merit Systems Protection Board by Reorganization Plan No. 2 of 1978, 43 FR 36037, 3 CFR, 1978 Comp., p. 323, effective Jan. 1, 1979.

⁴ EDITORIAL NOTE: The United States Shipping Board Merchant Fleet Corporation was abolished by act of June 29, 1936 (49 Stat. 1987), and its functions were transferred to the United States Maritime Commission.

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SECTION 13.—*National Screw Thread Commission*

The National Screw Thread Commission is abolished, and its records, property, facilities, equipment, and supplies are transferred to the Department of Commerce.

SECTION 14.—*Immigration and Naturalization*

The Bureaus of Immigration and of Naturalization of the Department of Labor are consolidated as an Immigration and Naturalization Service of the Department of Labor,¹ at the head of which shall be a Commissioner of Immigration and Naturalization.

SECTION 15.—*Vocational Education*

The functions of the Federal Board for Vocational Education² are transferred to the Department of the Interior, and the Board shall act in an advisory capacity without compensation.

SECTION 16.—*Apportionment of Appropriations*

The functions of making, waiving, and modifying apportionments of appropriations are transferred to the Director of the Office of Management and Budget.

[Sec. 16 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., 245]

SECTION 17.—*Coordinating Service*

The Federal Coordinating Service is abolished.

SECTION 18.—[Revoked]

[Sec. 18 revoked by EO 6586 of Feb. 6, 1934]

SECTION 19.—*General Provisions*

Each agency, all the functions of which are transferred to or consolidated with another agency, is abolished.

The records pertaining to an abolished agency or a function disposed of, disposition of which is not elsewhere herein provided for, shall be transferred to the successor. If there be no successor agency, and such an abolished agency be within a department, said records shall be disposed of as the head of such department may direct.

The property, facilities, equipment, and supplies employed in the work of an abolished agency or the exercise of a function disposed of, disposition of which is not elsewhere herein provided for, shall, to the

¹ EDITORIAL NOTE: The Immigration and Naturalization Service was transferred to the Department of Justice by Reorganization Plan No. V of 1940, 5 FR 2223, 3 CFR, 1939-1943 Comp., p. 1304, effective June 14, 1940.

² EDITORIAL NOTE: The Federal Board for Vocational Education was abolished by Reorganization Plan No. 2 of 1946, 11 FR 7873, 3 CFR, 1943-1948 Comp., p. 1064, effective July 16, 1946.

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extent required, be transferred to the successor agency. Other such property, facilities, equipment, and supplies shall be transferred to the Procurement Division.

All personnel employed in connection with the work of an abolished agency or function disposed of shall be separated from the service of the United States, except that the head of any successor agency, subject to my approval, may, within a period of four months after transfer or consolidation, reappoint any of such personnel required for the work of the successor agency without reexamination or loss of civil-service status.

SECTION 20.—*Appropriations*

Such portions of the unexpended balances of appropriations for any abolished agency or function disposed of shall be transferred to the successor agency as the Director of the Budget shall deem necessary.

Unexpended balances of appropriations for an abolished agency or function disposed of, not so transferred by the Director of the Budget, shall, in accordance with law, be impounded and returned to the Treasury.

SECTION 21.—*Definitions*

As used in this order—

"Agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government.

"Abolished agency" means any agency which is abolished, transferred, or consolidated.

"Successor agency" means any agency to which is transferred some other agency or function, or which results from the consolidation of other agencies or functions.

"Function disposed of" means any function eliminated or transferred.

SECTION 22.—*Effective Date*

In accordance with law, this order shall become effective 61 days from its date; *Provided*, That in case it shall appear to the President that the interests of economy require that any transfer, consolidation, or elimination be delayed beyond the date this order becomes effective, he may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time.

EDITORIAL NOTE: Certain provisions of Executive Order 6166 were delayed by the following Executive orders: Executive Order 6221 of July 26, 1933; Executive Order 6222 of July 27, 1933; Executive Order 6227 of July 27, 1933; Executive Order 6228 of July 28, 1933; Executive Order 6239 of Aug. 2, 1933; Executive Order 6243 of Aug. 5, 1933; Executive Order 6244 of Aug. 8, 1933; Executive Order 6245 of Aug. 9, 1933; Executive Order 6301 of Sept. 30, 1933; Executive Order 6540 of Dec. 28, 1933; Executive Order 6585 of Feb. 6, 1934; Executive Order 6624 of Mar. 1, 1934; Executive Order 6690 of Apr. 25, 1934; Executive Order 6727 of May 29, 1934; Executive Order 6927 of Dec. 21, 1934; Executive Order 7077 of June 15, 1935; Executive Order 7261 of Dec. 31, 1935; Executive Order 7390 of June 15, 1936, 3 CFR, 1936-1938 Comp., p. 145; Executive Order 7526 of Dec. 29, 1936, 3 CFR, 1936-1938 Comp., p. 235; Executive Order 7639 of June 19, 1937, 3 CFR, 1936-1938 Comp., p. 272; Executive Order 7774 of Dec. 21, 1937,

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3 CFR, 1936-1938 Comp., p. 343; Executive Order 8026 of Dec. 23, 1938, 3 CFR, 1938-1943 Comp., p. 439; and Executive Order 8182 of June 28, 1939, 3 CFR, 1938-1943 Comp., p. 522.

Executive Order 8512—Regulations pertaining to budgetary administration and financial reporting

SOURCE: The provisions of Executive Order 8512 of Aug. 13, 1940, appear at 5 FR 2849, 3 CFR, 1938-1943 Comp., p. 699, unless otherwise noted.

By virtue of the authority vested in me by the Budget and Accounting Act, 1921, approved June 10, 1921 (42 Stat. 20), and as President of the United States, I hereby prescribe the following regulations with respect to the compilation and reporting of information on the financial condition and operations of the Government and with respect to the budgetary control of expenditures:

SECTION 1. The term "agencies" as used in this order shall include executive departments and independent establishments and corporations in which the United States has a proprietary interest, direct or indirect, except Federal savings and loan associations and those corporations in which the proprietary interest of the United States is evidenced only by preferred stock or capital notes acquired through the Reconstruction Finance Corporation or production credit corporations.

SEC. 2. The Secretary of the Treasury shall prepare and transmit to the Director of the Office of Management and Budget, for the information of the President, such financial reports as may be necessary or desirable to make known in all practicable detail the financial condition and operations of the Government and its various agencies; and he shall prepare and furnish to the Director of the Office of Management and Budget such other reports relating to the financial activities of the Government and the status of appropriations or funds and the apportionments thereof as the Director may require for the compilation of the budget or for other purposes of budgetary administration. The above described reports shall relate to such periods of time as the Director of the Office of Management and Budget may designate and shall include such information as the Director may determine to be necessary and desirable for adequate budgetary and executive control.

[Sec. 2 amended by EO 12608 of Sept. 3, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 2.]

SEC. 3. The Secretary of the Treasury shall establish, as soon as practicable, and maintain such accounting records as are necessary to coordinate and integrate the financial data reported by agencies as required herein with the financial data of the Treasury Department and to provide a basis for the expeditious compilation and prompt submission of the financial reports required to be furnished to the Director of the Office of Management and Budget. These accounting records shall be operated, on the double-entry principle of bookkeeping, as a summary but complete system of central accounts for the entire Government, and they shall be so established by the Secretary of the Treasury as to effect suitable coordination with the accounting systems prescribed by the Comptroller General of the United States under authority of section 309 of the Budget and Accounting Act, 1921.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 2.]

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SEC. 4. The several agencies shall furnish the Secretary of the Treasury such information and data relating to their financial condition, activities, and operations as may be required to enable the Treasury Department to maintain the accounting records and prepare the financial reports necessary for compliance with the provisions of this order, and shall furnish such information relative to their accounting principles and practices as the Secretary of the Treasury may require for the proper processing of the data reported by such agencies.

SEC. 5. The head of each agency shall, under such rules and regulations as the Director of the Office of Management and Budget may prescribe, submit to the Office of Management and Budget recommendations for the apportionment of each appropriation made to such agency, and such apportionments, when approved by the Director, shall be binding upon the agency concerned in controlling its budgetary plans and rate of expenditures, subject only to revision of such apportionments by the Director. No agency shall make expenditures or involve the Government in any contract or other obligation for the future payment of money in excess of the amount currently available therefor under the apportionments so approved or revised: *Provided*, however, that such apportionments may be exceeded when such action is necessary to prevent the loss of life or Government property; and in such cases the head of the agency concerned shall promptly justify such action in writing to the Director of the Office of Management and Budget. The provisions of this section shall be applicable to the amounts made available by the Congress for the administrative expenses of governmental corporations.

[Sec. 5 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 6. The following specific requirements shall be observed by all agencies in reporting the financial data required under the provisions of this order:

(a) The reports of financial condition and operations shall reflect all uncollected revenues and other amounts owed to the Government, whether assessed, due, or accrued, and also all bonded or other indebtedness of the Government, whether due or accrued, including all current liabilities. Such reports shall also reflect, so far as ascertainable, all contingent liabilities of the United States and its corporate and other instrumentalities.

(b) A uniform reporting terminology and uniform classifications of assets and liabilities, and revenues and expenditures shall be employed. Such classifications shall, so far as practicable, distinguish between expenditures which are of a recoverable nature, such as loans and investments, and those of a nonrecoverable nature.

(c) Uniform standards shall be employed, to the fullest extent practicable, in the valuation of assets and the determination of liabilities and the treatment of revenues and expenditures in relation thereto.

(d) The data shall be compiled on the basis of the accounting records of the respective agencies, or shall be susceptible of ready reconciliation therewith.

[Sec. 6 amended by EO 9084 of Mar. 3, 1942, 7 FR 1709, 3 CFR, 1938-1943 Comp., p. 1105]

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SEC. 7. The uniform terminology, classifications, principles, and standards referred to in this order shall be established by the Secretary of the Treasury with the approval of the Director of the Office of Management and Budget and shall be observed by all agencies in the financial reporting required by this order: *Provided*, that prior to establishing such uniform terminology, classifications, principles, and standards, they shall be referred to the Comptroller General of the United States for consideration and determination as to whether they are in conflict with the forms, systems, and procedures prescribed by the Comptroller General as required by section 309 of the Budget and Accounting Act. If the Comptroller General determines that such conflict exists, then they shall not be established except by him as provided in section 309 of the said Act.

[Sec. 7 amended by EO 9084 of Mar. 3, 1942, 7 FR 1709, 3 CFR, 1938-1943 Comp., p. 1105; EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 8. The Director of the Office of Management and Budget is authorized, in accordance with the provisions of section 213 of the Budget and Accounting Act, 1921, to analyze the financial records of any agency in order to secure such information as the Office of Management and Budget may require for the formulation or revision of reporting requirements or for assuring compliance therewith.

[Sec. 8 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 9. Executive Orders No. 5614 of May 1, 1931, No. 6226 of July 27, 1933, No. 6869 of October 10, 1934, No. 7126 of August 15, 1935, as amended, and all other orders or parts thereof inconsistent with the provisions of this order, are hereby revoked.

Executive Order 9094—Abolishing the Board of Surveys and Maps and authorizing the Director of the Office of Management and Budget to perform its functions

SOURCE: The provisions of Executive Order 9094 of Mar. 10, 1942, appear at 7 FR 1972, 3 CFR, 1938-1943 Comp., p. 1120, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, and in order to further coordinate and promote the improvement of the surveying and mapping activities of the Government, it is hereby ordered as follows:

1. The Federal Board of Surveys and Maps, established by Executive Order No. 3206 of December 30, 1919, is hereby abolished.

2. The Director of the Office of Management and Budget is authorized and directed to perform the functions heretofore performed by the said Board, and such other functions as may be necessary to carry out the purposes of this order.

[Title and para. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

3. The Director of the Office of Management and Budget is authorized and directed to call upon the heads of the several departments and independent establishments to furnish, through such representatives as they may designate for the purpose, such information as may be required by the Director in carrying out the provisions of this order.

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[Para. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10033—Regulations governing the providing of statistical information to intergovernmental organizations

SOURCE: The provisions of Executive Order 10033 of Feb. 8, 1949, appear at 14 FR 561, 3 CFR, 1949-1953 Comp., p. 226, unless otherwise noted.

WHEREAS the United Nations and other intergovernmental organizations of which the United States is a member have need for statistical information which can be supplied by the Government of the United States; and

WHEREAS the burden imposed on this Government in connection with providing such information to such organizations should be the minimum compatible with adequacy of information; and

WHEREAS a systematic procedure for furnishing such information will conserve effort and improve the quality and comparability of the data furnished:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, including section 8 of the Bretton Woods Agreements Act (59 Stat. 515; 22 U.S.C. 286f), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in section 2 hereof, the Director of the Office of Management and Budget, hereinafter referred to as the Director, (a) shall determine, with the concurrence of the Secretary of State, what statistical information shall be provided in response to official requests received by the United States Government from any intergovernmental organization of which this country is a member, and (b) shall determine which Federal executive agency or agencies shall prepare the statistical information thus to be provided. The statistical information so prepared shall be transmitted to the requesting intergovernmental organization through established channels by the Secretary of State or by any Federal executive agency now or hereafter authorized by the Secretary of State to transmit such information.

[Sec. 1 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 2. (a) The National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the National Advisory Council, shall determine, after consultation with the Director, what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund or the International Bank for Reconstruction and Development.

(b) The Director shall determine which Federal executive agency or agencies shall collect or make available information found essential under section 2(a) hereof.

(c) In the collection of information pursuant to a determination made by the Director under section 2(b) hereof in response to a request under article VIII, section 5, of the Articles of Agreement of the International Monetary Fund, the authority conferred on the President by section 8 of the Bretton Woods Agreements Act to require any person to furnish

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such information, by subpoena or otherwise, may be exercised by the following-named agencies:

Department of Agriculture
Department of Commerce
Department of the Interior
Department of Labor
Department of the Treasury
Board of Governors of the Federal Reserve System
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Power Commission¹
Federal Trade Commission
Interstate Commerce Commission
Securities and Exchange Commission
United States Maritime Commission
United States Tariff Commission²

(d) The information collected or made available under section 2 of this order shall be submitted to the National Advisory Council for review and for presentation to the said Fund or Bank.

(e) As used in this order, the word "person" means an individual, partnership, corporation, or association.

[Sec. 2 amended by EO 11269 of Feb. 14, 1966, 31 FR 2313, 3 CFR, 1966-1970 Comp., p. 534; EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 3. The Director's determination of any matter under section 2 (b) of this order shall be made after consulting appropriate Federal executive agencies and giving due consideration to any responsibility now exercised by any of them in relation to an intergovernmental organization.

[Sec. 3 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 4. This order shall not be construed to authorize the Director to require the National Advisory Council to provide, or to require any Federal executive agency to provide, to an intergovernmental organization information during any period of time when the agency having primary responsibility for security of the specified information declares that disclosure of such information must be withheld from the intergovernmental organization in the interest of military security, or (b) information which any Federal executive agency is required by law to maintain on a confidential basis.

[Sec. 4 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 5. The Director and the National Advisory Council are authorized to prescribe such regulations as may be necessary to carry out their respective responsibilities under this order.

¹ EDITORIAL NOTE: The Federal Power Commission was terminated and its functions transferred to the Department of Energy by Pub. L. 95-91 (91 Stat. 565, 42 U.S.C. 8301, effective Oct. 1, 1977).

² EDITORIAL NOTE: Redesignated as the United States International Trade Commission by Pub. L. 93-618 (88 Stat. 1978, 19 U.S.C. 2231).

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[Sec. 5 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 6. To the extent that this order conflicts with any previous Executive order, the provisions of this order shall control.

SEC. 7. [Revoked]

[Sec. 7 revoked by EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

Executive Order 10253—Providing for the improvement of the work of Federal executive agencies with respect to statistical information

SOURCE: The provisions of Executive Order 10253 of June 11, 1951, appear at 16 FR 5605, 3 CFR, 1949-1953 Comp., p. 758, unless otherwise noted.

By virtue of the authority vested in me by Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b), and as President of the United States, and in order to carry out the purposes of said section, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget (hereinafter referred to as the Director) shall develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Federal Government.

[Sec. 1 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 2. In order to carry out the provisions of Section 1 of this order, the Director shall maintain a continuing study for the improvement of the statistical work of the agencies in the executive branch of the Federal Government with a view to obtaining the maximum benefit from the funds and facilities available for such work, giving due consideration to the constantly changing character of the various needs for statistical information both within and without the Government and, where the statistical work is primarily concerned with operating programs, giving due consideration to administrative needs, statutory requirements, and the needs involved in the development of administrative and legislative recommendations. The Director, either upon his own initiative or upon the request of any such agency, shall (a) provide for the interchange of information calculated to improve statistical work, (b) make appropriate arrangements for improving statistical work involving relationships between two or more agencies, and (c) assist the agencies, by other means, to improve their statistical work.

[Sec. 2 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 3. The following shall be included among the objectives sought in carrying out the provisions of Section 1 hereof:

(a) To achieve an adequate program of statistical work in the agencies of the executive branch, in relation to over-all needs for statistical information, including the filling of gaps and overcoming of weaknesses in presently available statistical information.

(b) To achieve the most effective use of resources available for statistical work by the agencies, in relation to over-all needs.

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(c) To minimize the burden upon those furnishing statistical information needed by the various Federal agencies.

(d) To improve the reliability and timeliness of statistical information.

(e) To achieve maximum comparability among the several statistical series and studies.

(f) To improve the presentation of statistical information and of explanations regarding the sources and reliability of such information, regarding the limitations on the uses that can appropriately be made of it.

SEC. 4. Regulations and orders issued pursuant to Section 1 hereof shall be signed by the Director. When so signed, such regulations and orders shall require no further approval and shall be adhered to by agencies in the executive branch. Any such regulation or order shall pertain to a single agency, a group of agencies, or all agencies in the executive branch.

[Sec. 4 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 173; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 5. In the development of programs and the preparation of regulations and orders for issuance pursuant to Section 1 hereof, the Director shall consult Federal agencies whose activities will be substantially affected, and may consult non-Federal groups to the extent he finds it necessary to carry out the purposes of this order.

[Sec. 5 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 173; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 6. The authority outlined in this order is in addition to and in substitution for the existing authority of the Director, or of the Office of Management and Budget, with respect to statistical and reporting activities. To the extent, however, that this order conflicts with any previous Executive order affecting statistical or reporting activities, the provisions of this order shall control.

[Sec. 6 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 173; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 7. As required by Section 3(a) of the Paperwork Reduction Act of 1980 (94 Stat. 2825; 44 U.S.C. 3503 note), the Director shall redelgate to the Administrator for the Office of Information and Regulatory Affairs, Office of Management and Budget, all functions, authority, and responsibility under Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) which have been vested in the Director by this Order.

[Former sec. 7 deleted and new sec. 7 added by EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 8. [Revoked]

[Sec. 8 revoked by EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

Executive Order 10654—Delegating certain functions of the President to the Director of the Office of Management and Budget

SOURCE: The provisions of Executive Order 10654 of Jan. 20, 1956, appear at 21 FR 511, 3 CFR, 1954-1958 Comp., p. 299, unless otherwise noted.

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By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The functions vested in the President by the third proviso of section 5 of the Watershed Protection and Flood Prevention Act (68 Stat. 667; 16 U.S.C. 1005), relating to the transmittal to the Congress of copies of plans for certain works of improvement and the justifications therefor, are hereby delegated to the Director of the Office of Management and Budget.

[EO 10654 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10797—Delegating to the Director of the Office of Management and Budget certain authority vested in the President by the Federal Aviation Act of 1958

SOURCE: The provisions of Executive Order 10797 of Dec. 24, 1958, appear at 23 FR 10391, 3 CFR, 1954-1958 Comp., p. 432, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby delegated to the Director of the Office of Management and Budget all authority vested in the President by the last sentence of section 304, and by sections 1502 (a) and 1502 (b), of the Federal Aviation Act of 1958 (72 Stat. 749, 810), relating, respectively, (1) to providing, in connection with transfers of functions made under other provisions of section 304, (i) for appropriate transfers of records and property, and (ii) for necessary civilian and military personnel to be made available from any office, department, or other agency from which transfers of functions are so made; (2) to determining the employees and property (including office equipment and official records) employed by the Civil Aeronautics Board¹ in the exercise and performance of those powers and duties which are vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended, and which are vested by the Federal Aviation Act of 1958 in the Federal Aviation Administration, and to specifying the date or dates upon which the transfers of officers, employees, and property (including office equipment and official records) under section 1502 (a) shall occur; and (3) specifying the date or dates upon which transfers of unexpended balances of appropriations under section 1502 (b) shall occur. Such further measures and dispositions as the Director of the Office of Management and Budget shall determine to be necessary in connection with the exercise of the authority delegated to him by this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

[Title and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

¹ EDITORIAL NOTE: The functions of the Civil Aeronautics Board were terminated or transferred to the Department of Transportation, Department of Justice, and the United States Postal Service by Pub. L. 95-504 (92 Stat. 1705, 49 U.S.C. 1551) effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

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SEC. 2. Executive Order No. 10731 of October 10, 1957, delegating to the Director of the Office of Management and Budget the authority vested in the President by a certain provision of the Airways Modernization Act of 1957, is hereby revoked, such revocation to become effective on the date the repeal of that act takes effect under sections 1401 (d) and 1505 (2) of the Federal Aviation Act of 1958 (72 Stat. 808, 811).

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 281]

SEC. 3. Except as otherwise provided in section 2 hereof, the provisions of this order shall become effective immediately.

Executive Order 11541—Prescribing the duties of the Office of Management and Budget and the Domestic Council in the Executive Office of the President

SOURCE: The provisions of Executive Order 11541 of July 1, 1970, appear at 35 FR 10737, 3 CFR, 1966-1970 Comp., p. 939, unless otherwise noted.

CROSS REFERENCE: Executive Order 11541 was superseded by Executive Orders 11666 of July 22, 1971, this chapter, p. 692, and 11717 of May 9, 1973, this chapter, p. 690, to the extent that it is inconsistent with those orders.

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code, and pursuant to Reorganization Plan No. 2 of 1970 (hereinafter referred to as "the Plan"), it is ordered as follows:

SECTION 1. (a) All functions transferred to the President of the United States by Part I of the Plan (including the function vested by section 102(f) of designating the officials of the Office of Management and Budget who shall act as Director during the absence or disability of the Deputy Director or in the event of a vacancy in the office of Deputy Director) are hereby delegated to the Director of the Office of Management and Budget in the Executive Office of the President. Such functions shall be carried out by the Director under the direction of the President and pursuant to such further instructions as the President from time to time may issue.

(b) All outstanding delegations, rules, regulations, orders, circulars, bulletins, or other forms of Executive or administrative action issued or taken by or relating to the Bureau of the Budget or the Director of the Bureau of the Budget prior to the effective date of this order shall, until amended or revoked, remain in full force and effect as if issued or taken by or relating to the Office of Management and Budget or the Director of the Office of Management and Budget.

(c) The delegation to the Director of the Office of Management and Budget, pursuant to subsection (a) of this Section, of the functions vested in the Director of the Bureau of the Budget by Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 106) and subsequently transferred to the President by Part I of Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), shall be implemented in accord with Section 3(a) of the Paperwork Reduction Act of 1980 (44 Stat. 2825; 44 U.S.C. 3503 note), to the extent that provision is applicable.

(d) The delegation to the Director of the Office of Management and Budget of the following executive development and personnel functions

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(which have been transferred to the Office of Personnel Management) is terminated on December 4, 1977:

(1) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development and management.

(2) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(3) Providing primary Executive Branch leadership in (i) developing and reviewing a program of policy guidance to departments and agencies for the organization of management responsibility under the Federal Labor Relations program; and (ii) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.

[Sec. 1 amended by EO 12013 of Oct. 7, 1977, 42 FR 54931, 3 CFR, 1977 Comp., p. 147; EO 12027 of Dec. 5, 1977, 42 FR 61851, 3 CFR, 1977 Comp., p. 159; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264; EO 12318 of Aug. 21, 1981, 46 FR 42833, 3 CFR, 1981 Comp., p. 173]

SEC. 2. (a) Under the direction of the President and subject to such further instructions as the President from time to time may issue, the Domestic Council in the Executive Office of the President shall (1) receive and develop information necessary for assessing national domestic needs and defining national domestic goals, and develop for the President alternative proposals for reaching those goals; (2) collaborate with the Office of Management and Budget and others in the determination of national domestic priorities for the allocation of available resources; (3) collaborate with the Office of Management and Budget and others to assure a continuing review of ongoing programs from the standpoint of their relative contributions to national goals as compared with their use of available resources; and (4) provide policy advice to the President on domestic issues.

(b) The organizations listed herein are terminated, and the functions heretofore assigned to them shall be performed by the Domestic Council:¹

Council for Urban Affairs (Executive Order No. 11452 of January 23, 1969)

Cabinet Committee on the Environment (Executive Order No. 11472 of May 29, 1969, as amended by Executive Order No. 11514 of March 5, 1970)

Council for Rural Affairs (Executive Order No. 11493 of November 13, 1969)

SEC. 3. This order shall be effective July 1, 1970.

¹ EDITORIAL NOTE: Executive Order 12045 of Mar. 27, 1978, Chapter 3, p. 24, effected the abolition of the Domestic Council on Mar. 26, 1978, and provided for the transfer of all functions of the Council, as provided by Reorganization Plan No. 1 of 1977, 42 FR 56101, 3 CFR, 1977 Comp., p. 197, effective Apr. 1, 1978, to the Domestic Policy Staff. In 1981 the Domestic Policy Staff was redesignated as the Office of Policy Development.

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Executive Order 11592—Delegating certain authority of the President to the Director of the Office of Management and Budget

SOURCE: The provisions of Executive Order 11592 of May 6, 1971, appear at 36 FR 8555, 3 CFR, 1971-1975 Comp., p. 559, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the function of granting the approvals authorized or required to be granted by the President by any of the provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970, Public Law 91-611, approved December 31, 1970.

Executive Order 11600—Establishing a seal for the Office of Management and Budget

SOURCE: The provisions of Executive Order 11600 of June 29, 1971, appear at 36 FR 12471, 3 CFR, 1971-1975 Comp., p. 569, unless otherwise noted.

The Director of the Office of Management and Budget has caused to be made, and has recommended that I approve, a seal of Office for the Office of Management and Budget, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a blue disc, the Arms of the United States proper above a curved gold scroll inscribed "OFFICE OF MANAGEMENT AND BUDGET", in black raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES", in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office. The arms of the United States refer to the entire Nation and represent the Office's involvement in the organizational and technological processes necessary to assist the President in his role as Chief Executive of the United States.

It appears that such a seal is of suitable design and appropriate for adoption as the official seal of the Office of Management and Budget.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Office of Management and Budget.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 11600, is printed in 3 CFR, 1971-1975 Comp., p. 570.

Executive Order 11609—Delegating certain functions vested in the President to other officers of the Government

SOURCE: The provisions of Executive Order 11609 of July 22, 1971, appear at 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. General Services Administration. The Administrator of General Services is hereby designated and empowered to exercise

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without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 4111(b) to prescribe regulations with respect to reductions to be made from payments by the Government to employees for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

(2) The authority of the President under the last sentence of 5 U.S.C. 5702(a) to establish maximum rates of per diem allowances to the extent that such authority pertains to travel status of employees (as defined in 5 U.S.C. 5701) while enroute to, from, or between localities situated outside the 48 contiguous States of the United States and the District of Columbia.

(3) The authority of the President under 5 U.S.C. 5707 to prescribe regulations necessary for the administration of subchapter I of chapter 57 of title 5 of the United States Code (relating to travel and subsistence expenses and mileage allowances).

(4) The authority of the President under 5 U.S.C. 5722(a) to prescribe regulations with respect to the payment of travel expenses and transportation expenses of household goods and personal effects.

(5) The authority of the President under 5 U.S.C. 5723(a) to prescribe regulations with respect to the payment of travel expenses and transportation expenses.

(6) The authority of the President under 5 U.S.C. 5724 to prescribe the regulations provided for therein (relating to travel and transportation expenses and other matters).

(7)(a) The authority of the President under 5 U.S.C. 5724a to prescribe the regulations provided for therein, relating to (i) the availability of appropriations or other funds of agencies for the reimbursement of described expenses of employees for whom the Government pays expenses of travel and transportation under 5 U.S.C. 5724(a), (ii) the entitlement of employees to amounts related to their basic pay, and (iii) the allowance, payment, and receipt of expenses and benefits to former employees who are reemployed by nontemporary appointments.

(b) In consultation with the Secretary of the Treasury, the authority of the President under 5 U.S.C. 5724b to prescribe the regulations provided for therein relating to reimbursement of Federal, State, and city income taxes for travel, transportation, and relocation expenses of employees, transferred at Government expense, furnished in kind or for which reimbursement or an allowance is provided.

(c) The authority of the President under 5 U.S.C. 5724c to prescribe the regulations provided for therein pursuant to which each agency shall carry out its responsibilities under 5 U.S.C. 5724c; *provided*, that the Director of Central Intelligence, after consultation with the Administrator of General Services, shall prescribe such regulations for the Central Intelligence Agency.¹

[Sec. 7 amended by EO 12466 of Feb. 27, 1984, 49 FR 7349, 3 CFR, 1984 Comp., p. 165; EO 12522 of June 24, 1985, 50 FR 26337, 3 CFR, 1985 Comp., p. 375]

¹ EDITORIAL NOTE: Executive Order 12522 of June 24, 1985, which modified subsection 1(7)(c), was effective on October 12, 1984.

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(8) The authority of the President under 5 U.S.C. 5726 to prescribe the regulations provided for therein, relating to (i) the definition of "household goods and personal effects", (ii) allowable storage expenses and related transportation, and (iii) the allowance of nontemporary storage expenses or storage at Government expense in Government-owned facilities (including related transportation and other expenses).

(9) The authority of the President under 5 U.S.C. 5727 to prescribe the regulations provided for therein, relating to the transportation at Government expense of privately owned motor vehicles.

(10) The authority of the President under 5 U.S.C. 5728(a) and (b) to prescribe the regulations provided for therein, relating to the payment by an agency from its appropriations of the expenses of round trip travel of an employee, and the transportation of his immediate family, in described circumstances.

(11) The authority of the President under 5 U.S.C. 5729(a) and (b) to prescribe the regulations provided for therein, relating to (i) the payment by an agency from its appropriations of the expenses of transporting the immediate family of an employee and of shipping his household goods and personal effects, and (ii) the reimbursement from its appropriations by an agency of an employee for the proper transportation expense of returning his immediate family and household goods and personal effects, both in described circumstances.

(12) The authority of the President under 5 U.S.C. 5731(a) to prescribe the regulations provided for therein, relating to certifications respecting transportation accommodations.

(13) The authority of the President under 5 U.S.C. 5742(b) to prescribe regulations with respect to the payment of expenses when an employee dies.

(14) The authority of the President under the last sentence of paragraph (c) of section 32 of title III of the Act of July 22, 1937, c. 517, 50 Stat. 525 (7 U.S.C. 1011(c)), to transfer to Federal, State, or Territorial agencies lands acquired by the Secretary of Agriculture under section 32(a) of that Act.

(15) The authority of the President under section 340 of the Consolidated Farmers Home Administration Act of 1961, 75 Stat. 318 (7 U.S.C. 1990), in his discretion to transfer to the Secretary of Agriculture any right, interest or title held by the United States in any land acquired in the program of national defense and no longer needed for that program, and to determine the suitability of the lands to be transferred, for the purposes referred to in that section: *Provided*, That the exercise by the Administrator of the authority delegated to him by that paragraph (15) shall require the concurrence of the Secretary of Defense as to the absence of further need of the lands for the national defense program.

(16) The authority of the President under section 4(k) of the Tennessee Valley Authority Act, 55 Stat. 599 (16 U.S.C. 831c(k)), to approve transfers under paragraphs (a) and (c) of that section, other than leases for terms of less than 20 years and conveyances of property having value not in excess of \$500.

(17) The authority of the President under section 7(b) of the Tennessee Valley Authority Act of May 18, 1933, 48 Stat. 63 (16 U.S.C. 832f(b)), to provide for the transfer to the Tennessee Valley Authority of the use, possession, and control of real or personal property of

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United States deemed by the Administrator of General Services to be necessary and proper for the purposes of that Authority as stated in that Act.

(18) The authority of the President under section 1 of the Act of March 4, 1907, c. 505, 44 Stat. 1422 (20 U.S.C. 191), to transfer to the jurisdiction of the Secretary of Agriculture for the purposes of that Act any land belonging to the United States within or adjacent to the District of Columbia located along the Anacostia River North of Benning Bridge.

(19) That part of the authority of the President under section 7(a) of the Act of July 17, 1959, P.L. 86-91, 73 Stat. 216, as amended (20 U.S.C. 905(a)), which consists of authority to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions.

(20) The authority of the Administrator of General Services under section 210(i) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(i)) to prescribe regulations relating to the installation, repair, and replacement of sidewalks.

(21) The authority of the President under section 108 of the Housing Act of July 15, 1949, c. 333, 63 Stat. 419, as amended (42 U.S.C. 1458), to transfer, or cause to be transferred, to the Secretary of Housing and Urban Development any right, title or interest held by the Federal Government or any department or agency thereof in any land (including buildings thereon) which is surplus to the needs of the Government and which a local public agency certifies will be within the area of a project being planned by it.

(22) [Revoked]

(23) [Revoked]

[Sec. 1 amended by EO 11713 of Apr. 21, 1973, 38 FR 10069, 3 CFR, 1971-1975 Comp., p. 763; EO 12215 of May 27, 1980, 45 FR 36043, 3 CFR, 1980 Comp., p. 257]

SEC. 2. *Department of the Treasury.* The Secretary of the Treasury is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority under 5 U.S.C. 5943(a) to make recommendations to the President concerning the meeting of losses sustained by employees and members of the uniformed services while serving in a foreign country due to appreciation of foreign currency in its relation to the American dollar.

(2) The authority under 5 U.S.C. 5943(d) to report annually to the Congress on expenditures made under 5 U.S.C. 5943(d).

SEC. 3. *Department of Health and Human Services.* The Secretary of Health and Human Services is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under the first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936, 49 Stat. 1559, as amended (20 U.S.C. 107), to approve regulations prescribed by the heads of the respective departments and agencies thereunder.

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(2) The authority of the Secretary of Health and Human Services under section 2 of the Act of August 4, 1947, c. 478, 61 Stat. 751, as amended (24 U.S.C. 168a) to fix per diem rates for care of patients in Saint Elizabeths Hospital.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 4. *Department of State.* (a) The Secretary of State is hereby designated and empowered to exercise his authority under section 12 of the Act of August 1, 1956, 70 Stat. 892 (22 U.S.C. 2679) (being authority to prescribe certain maximum rates of per diem in lieu of subsistence (or of similar allowances therefor)), without the approval, ratification, or other action of the President.

(b) The Secretary of State is hereby designated and empowered to exercise the authority of the President under section 9 of the United Nations Participation Act of 1945 (59 Stat. 619), as amended by section 15 of Public Law 93-126 (87 Stat. 454-455).

[Sec. 4 amended by EO 11779 of Apr. 19, 1974, 39 FR 14185, 3 CFR, 1971-1975 Comp., p. 863]

SEC. 5. *Department of Defense.* The Secretary of Defense is hereby designated and empowered to exercise the authority of the President under the last sentence of section 4 of the Act of May 10, 1943, c. 93, 57 Stat. 81 (24 U.S.C. 34) to prescribe from time to time uniform rates of charges for hospitalization and dispensary services: *Provided*, That the authority hereby delegated may not be redelegated to any officer in the Department of the Navy, Department of the Air Force, or Department of the Army.

SEC. 6. *Department of Health and Human Services; Department of Defense.* The following are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under 10 U.S.C. 1085 to establish uniform rates of reimbursement for inpatient medical or dental care:

(1) The Secretary of Health and Human Services in respect of such care in a facility under his jurisdiction.

(2) The Secretary of Defense in respect of such care in a facility of an armed force under the jurisdiction of a military department.

[Sec. 6 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 7. *Veterans Administration.* (a) The Administrator of Veterans Affairs is hereby designated and empowered to exercise the authority of the President under 10 U.S.C. 1074(b) to approve uniform rates of reimbursement for care provided in facilities operated by the Administrator.

(b) [Deleted]

[Sec. 7(b) amends EO 11302 of Sept. 6, 1966, Chapter 38, p. 784. The amendment has been incorporated into that order.]

SEC. 8. *Office of Personnel Management.* The Office of Personnel Management is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 5514(b) to approve regulations prescribed by the head of each agency to carry out 5 U.S.C. 5514 and section 3(a) of the Act of July 15, 1954, c. 509, 68 Stat. 483.

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31 U.S.C. 581d (relating to installment deductions from pay for indebtedness because of erroneous payment).

(2) The authority of the President under 5 U.S.C. 5903 to prescribe regulations necessary for the uniform administration of subchapter I of chapter 59 of title 5 of the United States Code (relating to uniform allowances).

(3) The authority of the President under 5 U.S.C. 5942 to prescribe regulations establishing rates at which an allowance based on duty (except temporary duty) at remote work sites will be paid and defining and designating the sites, areas and groups of positions to which the rates apply.

[Sec. 8 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 9. Office of Management and Budget. The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 5911(f) to issue the regulations provided for therein (relating to the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provision of section 5911).

(2) The authority of the President under 10 U.S.C. 126(a) to approve the transfers of balances of appropriations provided for therein.

(3) The authority of the President under section 202 of the Budget and Accounting Procedures Act of September 12, 1950, 64 Stat. 833 (31 U.S.C. 581c) to approve the transfers of balances of appropriations provided for in subsections (a) and (b) of that section.

(4) The authority of the President under the last sentence of section 11 of the Act of June 6, 1924, c. 270, 43 Stat. 463 (40 U.S.C. 72), to approve (i) the designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between the National Capital Planning Commission and officials of the States of Maryland and Virginia.

(5) The authority of the President under section 1 of the Act of December 22, 1928, c. 48, 45 Stat. 1070 (40 U.S.C. 72a), to approve contracts for acquisition of land subject to limited rights reserved to the grantor and for the acquisition of limited permanent rights in land adjoining park property.

(6) The authority of the President under section 407(b) of the Act of August 30, 1957, 71 Stat. 556 (42 U.S.C. 1594j(b)), to approve regulations (relating to the rental of substandard housing for members of the uniformed services) prescribed pursuant to that section. The Secretaries referred to in section 407(c) of that Act shall furnish the Director of the Office of Management and Budget such reports with respect to matters within the scope of the regulations so approved as he may require and at such times as he may specify.

(7) The authority of the President under 44 U.S.C. 1108 to approve the use, from the appropriations available for printing and binding, of such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications.

(8) The authority of the President under the paragraph appearing under the heading "Expenses of Management Improvement" in title III

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of the Treasury, Post Office, and Executive Office Appropriation 1971, P.L. 91-422, 84 Stat. 877, or by any reenactment of the provision of that paragraph in the same or in a different amount of funds, to allocate to any agency or office of the executive branch (including the Office of Management and Budget) funds appropriated by that paragraph or by any such reenactment of it. The Director of the Office of Management and Budget shall from time to time report to the President concerning activities carried on by executive agencies and offices with funds allocated under this paragraph and shall, consonant with law, exercise such direction and control with respect to those activities as he shall deem appropriate.

SEC. 10. *General Provisions.* (a) Unless inappropriate, any reference in this order to any provision of law shall be deemed to include reference thereto as amended from time to time and as affected by Reorganization Plan No. 2 of 1970 (35 FR 7959).

(b) Unless inappropriate, any reference in any Executive order to any Executive order which is superseded by this order, or to any Executive order provision so superseded, shall hereafter be deemed to refer to the provision of the preceding sections of this order, if any, which corresponds to the superseded provision.

(c) All actions heretofore taken by the President, the Director of the Bureau of the Budget, or the Director of the Office of Management and Budget in respect of the matters affected by the provisions of the preceding sections of this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by any such action, shall, except as may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order, unless sooner terminated by operation of law.

SEC. 11. *Orders superseded.* The following are hereby superseded:

- (1) Executive Order No. 10604 of April 22, 1955.
- (2) Executive Order No. 11230 of June 28, 1965.
- (3) Executive Order No. 11275 of March 31, 1966.
- (4) Executive Order No. 11290 of July 21, 1966.
- (5) Section 3 of Executive Order No. 11294 of August 4, 1966.
- (6) To the extent that it is inconsistent with this order, Executive Order No. 11541 of July 1, 1970.

SEC. 12. *Taking effect.* This order shall be effective immediately except that paragraphs (1) to (13), inclusive, and paragraph (19), of section 1 hereof shall become effective ninety days after the date of this order.

Executive Order 11717—Transferring certain functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce

SOURCE: The provisions of Executive Order 11717 of May 9, 1973, appear at 38 FR 12315, 3 CFR, 1971-1975 Comp., p. 766, unless otherwise noted.

CROSS REFERENCE: Executive Order 11893 of Dec. 31, 1975, this chapter, p. 700, supersedes Executive Order 11717 to the extent it is inconsistent with that order.

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301

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title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, and Reorganization Plan No. 2 of 1970, it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Administrator of General Services all functions that were being performed in the Office of Management and Budget on April 13, 1973 by:

(1) the Financial Management Branch, the Procurement and Property Management Branch, and the Management Systems Branch of the Organization and Management Systems Division; and

(2) the Management Information and Computer Systems Division with respect to policy control over automatic data processing (except those functions relating to the establishment of Government-wide automatic data-processing standards).

SEC. 2. There are hereby transferred to the Secretary of Commerce all functions being performed on the date of this order in the Office of Management and Budget relating to the establishment of Government-wide automatic data processing standards, including the function of approving standards on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 3. (a) The functions transferred to the Administrator of the General Services Administration and to the Secretary of Commerce by this order do not include those performed in connection with the general oversight responsibilities of the Director of the Office of Management and Budget, as the head of that agency and as Assistant to the President for executive management, and the functions transferred by this order shall be performed subject to such general oversight to the same extent that other functions of the General Services Administration and the Department of Commerce, respectively, are so performed.

(b) The functions vested in the President by the first sentence of section 111(g) of the Federal Property and Administrative Services Act of 1949, as amended, with respect to fiscal control of automatic data processing activities shall continue to be performed by the Director of the Office of Management and Budget. No function vested by statute in the Director shall be deemed to be affected by the provisions of this order.

SEC. 4. So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available, in connection with the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Department of Commerce and the General Services Administration, respectively, at such times as the Director shall specify.

SEC. 5. Executive Order No. 11541 of July 1, 1970, is hereby superseded to the extent that it is inconsistent with this order.

SEC. 6. This order shall be effective as of April 15, 1973.

Executive Order 11845—Delegating certain reporting functions to the Director of the Office of Management and Budget

SOURCE: The provisions of Executive Order 11845 of Mar. 24, 1975, appear at 40 FR 13299, 3 CFR, 1971-1975 Comp., p. 970, unless otherwise noted.

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By virtue of the authority vested in me by the Impoundment Control Act of 1974 (Public Law 93-344; 88 Stat. 332, (2 U.S.C. 681 et seq.) hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, as of October 1, 1974 without ratification or other action of the President (1) the functions required by sections 1014(b) and 1014(d) of the Act of transmitting to the Comptroller General of the United States and to the Office of the Federal Register copies of special messages transmitted pursuant to section 1012 or 1013 (2 U.S.C. 683 and 684) of the Act; and (2) the function conferred upon the President by section 1014(e) of the Act (2 U.S.C. 685(e)) of submitting to the Congress cumulative reports of proposed rescissions, reservations, and deferrals of budget authority [EO 11845 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 11874—Delegation of functions to the Director of the Office of Management and Budget

SOURCE: The provisions of Executive Order 11874 of July 25, 1975, appear at 40 FR 31737, 3 CFR, 1971-1975 Comp., p. 1013, unless otherwise noted.

By virtue of the authority vested in me by Section 1012 of the Economic Opportunity Act of 1964, as amended by the Legal Services Corporation Act of 1974 (88 Stat. 388, 42 U.S.C. 2996k), and Section 301 of Title 3 of the United States Code, and as President of the United States, the Director of the Office of Management and Budget is hereby designated and empowered to exercise the authority vested in the President by said Section 1012 of the Economic Opportunity Act of 1964, as amended, to direct that appropriate support functions of the Federal Government may be made available to the Legal Services Corporation in carrying out its activities, to the extent not inconsistent with other applicable law. Such functions shall be provided under terms and conditions as may be agreed upon by the Legal Services Corporation and the Federal agencies involved.

Executive Order 11893—Transferring certain functions from the General Services Administration to the Office of Management and Budget

SOURCE: The provisions of Executive Order 11893 of Dec. 31, 1975, appear at 41 FR 1040, 3 CFR, 1971-1975 Comp., p. 1069, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301 of title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, Reorganization Plan No. 2 of 1970; and section 531 of title 5 of the United States Code, it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Director of the Office of Management and Budget all policy functions that were transferred to the Administrator of General Services by Section 1 (1) of Executive Order No. 11717, dated May 9, 1973, and Executive Order No. 11867, dated June 19, 1975.

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SEC. 2. The Director of the Office of Management and Budget shall continue to perform policy formulation and general oversight functions with regard to the other transfers made by Executive Order No. 11717 and Executive Order No. 11867. No function vested by statute in the Administrator shall be deemed to be affected by the provisions of this order.

SEC. 3. So much of the personnel, property and records attendant to the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Office of Management and Budget, at such times as the Director shall specify.

SEC. 4. Executive Order No. 11717 of May 9, 1973, and Executive Order No. 11867 of June 19, 1975, are hereby superseded to the extent that they are inconsistent with this order. Any circulars, directives, or regulations issued pursuant to functions transferred by this order shall remain in effect until modified or rescinded by the Office of Management and Budget.

SEC. 5. [Deleted]

[Sec. 5 amended EO 11861 of May 21, 1975, 40 FR 22531, 3 CFR, 1970-1975 Comp., p. 995, which was revoked by EO 12076 of Aug. 18, 1978.]

SEC. 6. This order shall be effective as of December 31, 1975.

Executive Order 12024—Relating to the transfer of certain advisory committee functions

SOURCE: The provisions of Executive Order 12024 of Dec. 1, 1977, appear at 42 FR 61445, 3 CFR, 1977 Comp., p. 158, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977, it is hereby ordered as follows:

SECTION 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 FR 56101), of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

SEC. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

SEC. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, per-

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sonnel and positions, assets, liabilities, contracts, property, records, other items related to the functions transferred.

SEC. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

SEC. 5. Any rules, regulations, orders, directives, circulars, or actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

SEC. 6. This Order shall be effective November 20, 1977.

Executive Order 12152—Director of the Office of Management and Budget

SOURCE: The provisions of Executive Order 12152 of Aug. 14, 1979, appear at 48143, 3 CFR, 1979 Comp., p. 423, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 301 of Title 5 of the United States Code, and in order to ensure the continued delegation of certain functions which had been previously assigned to the Office of Management and Budget which are now vested directly in the President by virtue of H.R. 13193, that I have signed into law today, it is hereby ordered that the functions vested in the President by Sections 305(b), 4111(b), and 4112(b) of Title 5 of the United States Code are hereby delegated to the Director of the Office of Management and Budget.

Executive Order 12291—Federal regulation

SOURCE: The provisions of Executive Order 12291 of Feb. 17, 1981, appear at 13193, 3 CFR, 1981 Comp., p. 127, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

SECTION 1. *Definitions.* For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 551 and 557 of Title 5 of the United States Code;

(2) Regulations issued with respect to a military or foreign affairs function of the United States; or

(3) Regulations related to agency organization, management, or personnel.

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of \$100 million or more;

(2) A major increase in costs or prices for consumers, individual businesses, Federal, State, or local government agencies, or geographic regions; or

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(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

SEC. 2. *General Requirements.* In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;

(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

SEC. 3. *Regulatory Impact Analysis and Review.*

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, *provided that*, the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmit-

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ted, along with the proposed rule, to the Director at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.

(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of a submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

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(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director's views, and incorporated those views and the agency's response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies' responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

SEC. 4. *Regulatory Review.* Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the FEDERAL REGISTER at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

SEC. 5. *Regulatory Agendas.*

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda;

and
(2) Require publication of the agenda in any form.

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SEC. 6. *The Task Force and Office of Management and Budget.*

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies' statutes, and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 *et seq.*

SEC. 7. *Pending Regulations.*

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

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(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.

(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes, permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, *provided that*, agencies shall report to the Director, no later than 15 days before any such rule is proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule, in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

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(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

SEC. 8. Exemptions.

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, *provided that*, any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *provided that*, any such regulation shall be reported to the Director together with a brief explanation of the conflict; the agency shall publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

SEC. 9. *Judicial Review.* This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

SEC. 10. *Revocations.* Executive Orders No. 12044, as amended, and No. 12174 are revoked.

Executive Order 12318—Statistical policy functions

SOURCE: The provisions of Executive Order 12318 of Aug. 21, 1981, appear at 46 FR 42833, 3 CFR, 1981 Comp., p. 173, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and statutes of the United States, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), Section 3(a) of the Paperwork Reduction Act of 1980 (Public Law 96-511, 94 Stat. 2825, 44 U.S.C. 3503 note), and Section 301 of Title 3 of the United States Code, and in order to transfer, redelegate, and reassign certain statistical policy functions from the Secretary of Commerce to the Director of the Office of Management and Budget, and to require redelegation of certain functions to the Administrator for the Office of Information and Regulatory Affairs, it is hereby ordered as follows:

SECTION 1. [Deleted]

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[Sec. 1 amends EO 11541 of July 1, 1970, this chapter, p. 690. The amendment has been incorporated into that order.]

SEC. 2. [Deleted]

[Sec. 2 amends EO 10253 of July 11, 1951, this chapter, p. 689. The amendment has been incorporated into that order.]

SEC. 3. [Deleted]

[Sec. 3 amends EO 10033 of Feb. 8, 1949, this chapter, p. 685. The amendment has been incorporated into that order.]

SEC. 4. (a) Executive Order No. 12013 is revoked.

(b) [Deleted]

[Sec. 4(b) amends EO 11961 of Jan. 19, 1977, Chapter 31, p. 516. The amendment has been incorporated into that order.]

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned from the Secretary of Commerce to the Director of the Office of Management and Budget by the delegations made in this Order, are hereby transferred to the Director of the Office of Management and Budget.

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all steps necessary or appropriate to ensure or effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned from the Secretary of Commerce to the Director of the Office of Management and Budget by the delegations made in this Order, shall remain in effect until amended, modified, or revoked pursuant to the delegations made in this Order.

SEC. 8. This Order shall be effective August 23, 1981.

Executive Order 12372—Intergovernmental review of Federal programs

SOURCE: The provisions of Executive Order 12372 of July 14, 1982, appear at 47 FR 30959, 3 CFR, 1982 Comp., p. 197, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(a)), Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334) and Section 301 of Title 3 of the United States Code, and in order to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development, it is hereby ordered as follows:

[Preamble amended by EO 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

SECTION 1. Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that

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would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

SEC. 2. To the extent the States, in consultation with local general purpose governments, and local special purpose governments they consider appropriate, develop their own processes or refine existing processes for State and local elected officials to review and coordinate proposed Federal financial assistance and direct Federal development, the Federal agencies shall, to the extent permitted by law:

(a) Utilize the State process to determine official views of State and local elected officials.

(b) Communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.

(c) Make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process. For those cases where the concerns cannot be accommodated, Federal officials shall explain the bases for their decision in a timely manner.

(d) Allow the States to simplify and consolidate existing Federally required State plan submissions. Where State planning and budgeting systems are sufficient and where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies.

(e) Seek the coordination of views of affected State and local elected officials in one State with those of another State when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas. Existing interstate mechanisms that are redesignated as part of the State process may be used for this purpose.

(f) Support State and local governments by discouraging the reauthorization or creation of any planning organization which is Federally-funded, which has a Federally-prescribed membership, which is established for a limited purpose, and which is not adequately representative of, or accountable to, State or local elected officials.

SEC. 3. (a) The State process referred to in Section 2 shall include those where States delegate, in specific instances, to local elected officials the review, coordination, and communication with Federal agencies.

(b) At the discretion of the State and local elected officials, the State process may exclude certain Federal programs from review and comment.

SEC. 4. The Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development. The Office of Management and Budget shall disseminate such lists to the Federal agencies.

SEC. 5. (a) Agencies shall propose rules and regulations governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development pursuant to this Order, to be submitted to the Office of Management and Budget for approval.

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(b) The rules and regulations which result from the process indicated in Section 5(a) above shall replace any current rules and regulations and become effective September 30, 1983.

[Sec. 5 amended by EO 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

SEC. 6. The Director of the Office of Management and Budget is authorized to prescribe such rules and regulations, if any, as he deems appropriate for the effective implementation and administration of this Order and the Intergovernmental Cooperation Act of 1968. The Director is also authorized to exercise the authority vested in the President by Section 401(a) of that Act (42 U.S.C. 4231(a)), in a manner consistent with this Order.

SEC. 7. The Memorandum of November 8, 1968, is terminated (33 Fed. Reg. 16487, November 13, 1968). The Director of the Office of Management and Budget shall revoke OMB Circular A-95, which was issued pursuant to that Memorandum. However, Federal agencies shall continue to comply with the rules and regulations issued pursuant to that Memorandum, including those issued by the Office of Management and Budget, until new rules and regulations have been issued in accord with this Order.

SEC. 8. The Director of the Office of Management and Budget shall report to the President by September 30, 1984 on Federal agency compliance with this Order. The views of State and local elected officials on their experiences with these policies, along with any suggestions for improvement, will be included in the Director's report.

[Sec. 8 amended by EO 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

Executive Order 12479—Management reform in the Federal Government

SOURCE: The provisions of Executive Order 12479 of May 24, 1984, appear at 49 FR 22053, 3 CFR, 1984 Comp., p. 211, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to coordinate and implement policies with respect to management reform in the Federal government, it is hereby ordered as follows:

SECTION 1. *Establishment of the President's Council on Management Improvement.*

(a) There is established as an interagency committee the President's Council on Management Improvement.

(b) The Council shall be composed of the following members:

(1) The Deputy Director of the Office of Management and Budget, who shall be Chairman of the Council;

(2) The Assistant Secretary for Administration, Department of Agriculture;

(3) The Assistant Secretary for Administration, Department of Commerce;

(4) The Assistant Secretary (Comptroller), Department of Defense;

(5) The Deputy Under Secretary for Management, Department of Education;

(6) The Assistant Secretary for Management and Administration, Department of Energy;

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(7) The Assistant Secretary for Management and Budget, Department of Health and Human Services;

(8) The Assistant Secretary for Administration, Department of Housing and Urban Development;

(9) The Assistant Secretary for Policy, Budget and Administration, Department of the Interior;

(10) The Assistant Attorney General for Administration, Department of Justice;

(11) The Assistant Secretary for Administration and Management, Department of Labor;

(12) The Assistant Secretary for Administration, Department of State;

(13) The Assistant Secretary for Administration, Department of Transportation;

(14) The Assistant Secretary for Administration, Department of the Treasury;

(15) The Assistant to the Administrator for Management, Agency for International Development;

(16) The Assistant Administrator for Administration and Resource Management, Environmental Protection Agency;

(17) The Deputy Administrator, General Services Administration;

(18) The Associate Administrator for Management, National Aeronautics and Space Administration;

(19) The Associate Director for Management, Office of Management and Budget;

(20) The Associate Director for Administration, Office of Personnel Management;

(21) The Associate Deputy Administrator for Resource Management, Small Business Administration;

(22) The Associate Deputy Administrator for Information and Resources Management, Veterans' Administration;

(23) The Assistant to the President for Policy Development, or Federal employee designated by that official, to advise on management and administration; and

(24) The Assistant to the President for Presidential Personnel, or Federal employee designated by that official, to advise on human resource development.

SEC. 2. Functions of the Council. The Council shall:

(a) develop and oversee the implementation of improved management and administrative systems for government-wide application;

(b) formulate long-range plans to promote improvements in the management and administrative systems of the Federal government;

(c) identify specific department and agency management reforms applicable to other agencies and assist in their implementation;

(d) work to resolve interagency management problems; and

(e) work with the Office of Management and Budget, the General Services Administration and the Office of Personnel Management to ensure timely implementation and coordination of their policies.

In conducting these functions, the Council shall not interfere with existing lines of authority and responsibility in the departments and agencies.

SEC. 3. Responsibilities of the Chairman. The Chairman shall:

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- (a) establish, in consultation with the members of the Council, procedures for the Council and establish the agenda for Council activities;
- (b) on behalf of the Council, report to the President; the goals and the results of the Council on management projects shall be reported to the President through the Cabinet Council on Management and Administration; the Chairman shall advise the Council with respect to the reaction of the President and the Cabinet Council to its activities;
- (c) provide agency heads with summary reports of the activities of the Council;
- (d) establish such committees of the Council, including an executive committee, as may be deemed necessary or appropriate for the efficient conduct of Council functions; committees of the Council may act for the Council in those areas that affect the membership of the committee;
- (e) appoint Vice-Chairmen to one-year terms to assist the Chairman in representing the Council and perform duties as determined by the Chairman;
- (f) appoint other Federal officials as at-large members to one-year terms to provide special expertise to the Council and perform duties as determined by the Chairman; and
- (g) be supported by the Associate Director for Management of the Office of Management and Budget, who shall advise and assist the Chairman in the execution of the entire range of responsibilities set forth above and act for the Chairman in his absence.

SEC. 4. *Administrative Provisions.*

- (a) The Director of the Office of Management and Budget shall provide the Council with such administrative support as may be necessary for the performance of its functions.
- (b) The head of each agency represented on the Council shall provide its representative with such administrative support as may be necessary, in accordance with law, to enable the agency representative to carry out his or her responsibilities.

Executive Order 12493—President's Commission on Executive Exchange

SOURCE: The provisions of Executive Order 12493 of Dec. 5, 1984, appear at 49 FR 47819, 3 CFR, 1984 Comp., p. 227, unless otherwise noted.

CROSS REFERENCE: For the text of Executive Order 12574 of Nov. 20, 1986, which established an experimental program within the President's Commission on Executive Exchange, see p. 719.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to amend the responsibilities of the President's Commission on Executive Exchange and to continue its work of benefiting both the Government and the private sector by enabling the most outstanding executives to work in the other sector, it is hereby ordered as follows:

SECTION 1. *Establishment of the Commission.* (a) The President's Commission on Executive Exchange is hereby continued.

(b) The Commission shall be composed of not more than thirty-six members who shall be appointed from time to time by the President from among leaders in the private sector and the Executive branch of the Government. The President shall seek, so far as he deems practicable or advisable, to appoint up to seventy-five percent of the Commis-

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sion membership from the ranks of Chief Executive Officers, Chief Operating Officers, Chairmen, Senior Partners or other individuals of comparable rank and stature from the private sector. Executive branch members, to the extent the President deems practicable or advisable, may include Cabinet Secretaries, Agency Heads, and such other officials of comparable rank or position as deemed appropriate by the President.

The President shall designate a Chairman from among the members of the Commission. The Chairman and members shall serve at the pleasure of the President. Members of the Commission shall serve two-year terms or until a successor is appointed.

(c) Members of the Commission who are full-time officers or employees of the Federal government shall receive no additional compensation by reason of this Order, and members who are not such officers or employees shall serve without compensation, but each Commissioner shall be provided with travel expenses, including per diem in lieu of subsistence, as authorized by law.

SEC. 2. Functions of the Commission. (a) The Commission shall administer an Executive Exchange Program in which: (1) outstanding private sector executives, primarily those who have achieved senior level management positions, and also those exceptional managers who have unique qualifications and extremely high potential for policymaking positions, will be selected as Presidential Exchange Executives and assigned to positions in the Senior Executive Service or positions of comparable rank or stature, reporting, as appropriate, to Cabinet Officers, Ambassadors, Agency Heads, Under Secretaries, Assistant Secretaries or other high-ranking Government officials for not more than one year with an extension of up to ninety days in extraordinary circumstances, and (2) career Federal Executives, who are members of the Senior Executive Service, or equivalent level, or are candidates for the Senior Executive Service, or are of outstanding qualification and are serving at an equivalent level to a Senior Executive Service candidate, provided that such level is not lower than level 15 of the General Schedule, will be selected as Presidential Exchange Executives and assigned for one year to positions in the private sector offering significant challenge, responsibility and regular and continuing contact with senior private sector officials.

(b) The Commission shall administer an Executive International Embassy Assignments Program in which exceptionally qualified private sector executives, primarily those who have achieved senior level management positions, and also exceptional managers who have unique qualifications and extremely high potential for policymaking positions, may be selected as Presidential Exchange Executives and, as appropriate, assigned for one year, with an extension of up to 365 days, to the Senior Foreign Service or other key positions in United States Embassies reporting to Ambassadors or other high-ranking Government officials.

(c) The Commission shall administer an education program which places the work experience of the Presidential Exchange Executives in the broader context of both Federal government and private sector operations and, to the extent desirable and appropriate, may include exposure to international economic and foreign affairs.

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(d) The Commission shall supervise and review the operation of the Program, and may recommend to the President ways to promote and improve the Program.

(e) The Commission shall ensure that the Program operates in compliance with the merit principles set forth in Section 2301 of Title 5 of the United States Code.

[Sec. 2 amended by EO 12516 of May 21, 1985, 50 FR 21417, 3 CFR, 1985 Comp., p. 347; EO 12602 of July 15, 1987, 52 FR 27187, 3 CFR, 1987 Comp., p. 240]

SEC. 3. Responsibilities of Executive Agencies. Each Executive agency shall, to the extent permitted by law, provide the Commission with such assistance as may be necessary for the effective performance of its functions.

SEC. 4. Administrative Provisions. (a) The Office of Personnel Management shall provide the Commission with administrative services, staff support and travel expenses, as authorized by law. The Office of Administration, Executive Office of the President, may provide services to the Commission on a reimbursable basis pursuant to interagency agreement, as may be authorized by the Economy Act of 1932, as amended, 31 U.S.C. 1535 *et seq.*

(b) The Executive Director's responsibilities shall be to carry out the activities of the Commission.

(c) Executive Order No. 12136 of May 15, 1979 is revoked.

Executive Order 12498—Regulatory planning process

SOURCE: The provisions of Executive Order 12498 of Jan. 4, 1985, appear at 50 FR 1036, 3 CFR, 1985 Comp., p. 323, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to create a coordinated process for developing on an annual basis the Administration's Regulatory Program, establish Administration regulatory priorities, increase the accountability of agency heads for the regulatory actions of their agencies, provide for Presidential oversight of the regulatory process, reduce the burdens of existing and future regulations, minimize duplication and conflict of regulations, and enhance public and Congressional understanding of the Administration's regulatory objectives, it is hereby ordered as follows:

SECTION 1. General Requirements. (a) There is hereby established a regulatory planning process by which the Administration will develop and publish a Regulatory Program for each year. To implement this process, each Executive agency subject to Executive Order No. 12291 shall submit to the Director of the Office of Management and Budget (OMB) each year, starting in 1985, a statement of its regulatory policies, goals, and objectives for the coming year and information concerning all significant regulatory actions underway or planned; however, the Director may exempt from this Order such agencies or activities as the Director may deem appropriate in order to achieve the effective implementation of this Order.

(b) The head of each Executive agency subject to this Order shall ensure that all regulatory actions are consistent with the goals of the agency and of the Administration, and will be appropriately implemented.

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(c) This program is intended to complement the existing regulatory planning and review procedures of agencies and the Executive branch, including the procedures established by Executive Order No. 12291.

(d) To assure consistency with the goals of the Administration, the head of each agency subject to this Order shall adhere to the regulatory principles stated in Section 2 of Executive Order No. 12291, including those elaborated by the regulatory policy guidelines set forth in the August 11, 1983, Report of the Presidential Task Force on Regulatory Relief, "Reagan Administration Regulatory Achievements."

SEC. 2. Agency Submission of Draft Regulatory Program. (a) The head of each agency shall submit to the Director an overview of the agency's regulatory policies, goals, and objectives for the program year and such information concerning all significant regulatory actions of the agency, planned or underway, including actions taken to consider whether to initiate rulemaking; requests for public comment; and the development of documents that may influence, anticipate, or could lead to the commencement of rulemaking proceedings at a later date, as the Director deems necessary to develop the Administration's Regulatory Program. This submission shall constitute the agency's draft regulatory program. The draft regulatory program shall be submitted to the Director each year, on a date to be specified by the Director, and shall cover the period from April 1 through March 31 of the following year.

(b) The overview portion of the agency's submission should discuss the agency's broad regulatory purposes, explain how they are consistent with the Administration's regulatory principles, and include a discussion of the significant regulatory actions, as defined by the Director, that it will take. The overview should specifically discuss the significant regulatory actions of the agency to revise or rescind existing rules.

(c) Each agency head shall categorize and describe the regulatory actions described in subsection (a) in such format as the Director shall specify and provide such additional information as the Director may request; however, the Director shall, by Bulletin or Circular, exempt from the requirements of this Order any class or category of regulatory action that the Director determines is not necessary to review in order to achieve the effective implementation of the program.

SEC. 3. Review, Compilation, and Publication of the Administration's Regulatory Program. (a) In reviewing each agency's draft regulatory program, the Director shall (i) consider the consistency of the draft regulatory program with the Administration's policies and priorities and the draft regulatory programs submitted by other agencies; and (ii) identify such further regulatory or deregulatory actions as may, in his view, be necessary in order to achieve such consistency. In the event of disagreement over the content of the agency's draft regulatory program, the agency head or the Director may raise issues for further review by the President or by such appropriate Cabinet Council or other forum as the President may designate.

(b) Following the conclusion of the review process established by subsection (a), each agency head shall submit to the Director, by a date to be specified by the Director, the agency's final regulatory plan for compilation and publication as the Administration's Regulatory Program for that year. The Director shall circulate a draft of the Administration's Regulatory Program for agency comment, review, and inter-agency consideration, if necessary, before publication.

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(c) After development of the Administration's Regulatory Program for the year, if the agency head proposes to take a regulatory action subject to the provisions of Section 2 and not previously submitted for review under this process, or if the agency head proposes to take a regulatory action that is materially different from the action described in the agency's final Regulatory Program, the agency head shall immediately advise the Director and submit the action to the Director for review in such format as the Director may specify. Except in the case of emergency situations, as defined by the Director, or statutory or judicial deadlines, the agency head shall refrain from taking the proposed regulatory action until the review of this submission by the Director is completed. As to those regulatory actions not also subject to Executive Order No. 12291, the Director shall be deemed to have concluded that the proposal is consistent with the purposes of this Order, unless he notifies the agency head to the contrary within 10 days of its submission. As to those regulatory actions subject to Executive Order No. 12291, the Director's review shall be governed by the provisions of Section 3(e) of that Order.

(d) Absent unusual circumstances, such as new statutory or judicial requirements or unanticipated emergency situations, the Director may, to the extent permitted by law, return for reconsideration any rule submitted for review under Executive Order No. 12291 that would be subject to Section 2 but was not included in the agency's final Regulatory Program for that year; or any other significant regulatory action that is materially different from those described in the Administration's Regulatory Program for that year.

SEC. 4. *Office of Management and Budget.* The Director of the Office of Management and Budget is authorized, to the extent permitted by law, to take such actions as may be necessary to carry out the provisions of this Order.

SEC. 5. *Judicial Review.* This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person.

Executive Order 12505—Conversion of appointments

SOURCE: The provisions of Executive Order 12505 of Feb. 12, 1985, appear at 50 FR 6151, 3 CFR, 1985 Comp., p. 335, unless otherwise noted.

By the authority vested in me as President by the laws of the United States of America, including Section 3301 and 3302 of Title 5, and Section 521 of Title 31 of the United States Code, it is hereby ordered as follows:

SECTION 1. No later than April 1, 1985, any employee of the Office of Management and Budget serving under an appointment under Schedule A in a position not limited to one year or less, concerned with implementation of the President's paperwork reduction and regulatory review and planning programs, may have his or her appointment converted to a career or career-conditional appointment if the Director of the Office of Management and Budget determines that:

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(a) The employee has completed at least one year of full-time continuous service in a position concerned with the paperwork reduction regulatory program;

(b) There is a continuing need for the position filled by the employee;

(c) The employee's past performance has been satisfactory and the employee possesses the qualifications necessary to continue in the position; and

(d) The employee meets the citizenship requirements and qualification standards appropriate for the position.

SEC. 2. If the Director determines not to convert an employee's appointment to career or career-conditional status under the preceding Section, the employee shall be separated not later than the date of expiration of the current appointment.

SEC. 3. Employees whose appointments are converted under this Order shall become career-conditional employees, or career employees if they have completed the service requirements for career tenure. All converted employees shall acquire a competitive status.

Executive Order 12549—Debarment and suspension

SOURCE: The provisions of Executive Order 12549 of Feb. 18, 1986, appear at 51 FR 6370, 3 CFR, 1986 Comp., p. 189, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

SECTION 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from program activities involving Federal financial and nonfinancial assistance benefits. Debarment or suspension of a participant in a program by agency shall have government-wide effect.

(b) Activities covered by this Order include but are not limited to grants, cooperative agreements, contracts of assistance, loans, and guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

SEC. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including

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Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

SEC. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

SEC. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

SEC. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

SEC. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

SEC. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make recommendations as are appropriate further to curb fraud, waste, and abuse.

Executive Order 12574—Establishing an experimental program within the President's Commission on Executive Exchange

SOURCE: The provisions of Executive Order 12574 of Dec. 5, 1986, appear at 51 FR 42199, 3 CFR, 1986 Comp., p. 241, unless otherwise noted.

CROSS REFERENCE: For the text of Executive Order 12493 of Dec. 5, 1984, which established the President's Commission on Executive Exchange, see p. 713.

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Executive Order on the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 and 100 Stat. 964), it is hereby ordered as follows:

SECTION 1. *Establishment of the Program.* Effective October 1, 1987, there is established, within the Executive Exchange Program of the President's Commission on Executive Exchange, an experimental program under which Executive agencies of the government may accept voluntary services for the United States from private sector participants in the Executive Exchange Program.

SEC. 2. *Program Limits.* The experimental program shall be conducted during the fiscal years 1987 through 1989, and not more than 100 individuals may commence participation in the program during any fiscal year. Acceptance of voluntary services from such individuals shall not result in the displacement of any employee of the government.

SEC. 3. *Participant Restrictions.* An individual participating in the experimental program shall be considered an employee of the agency which assigned for purposes of any laws, rules, and regulations of the United States, except that such individual shall not be covered by chapters 51, 53, 63, 83, 87, or 89 of title 5, United States Code, or any comparable provisions relating to classification, pay, leave, retirement, insurance, or health benefits for employees of the government.

Executive Order 12606—The family

SOURCE: The provisions of Executive Order 12606 of Sept. 2, 1987, appear at 52 FR 34188, 3 CFR, 1987 Comp., p. 241, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that the autonomy and rights of the family are considered in the formulation and implementation of policies by Executive departments and agencies, it is hereby ordered as follows:

SECTION 1. *Family Policymaking Criteria.* In formulating and implementing policies and regulations that may have significant impact on family formation, maintenance, and general well-being, Executive departments and agencies shall, to the extent permitted by law, assess such measures in light of the following questions:

- (a) Does this action by government strengthen or erode the stability of the family and, particularly, the marital commitment?
- (b) Does this action strengthen or erode the authority and rights of parents in the education, nurture, and supervision of their children?
- (c) Does this action help the family perform its functions, or does it substitute governmental activity for the function?
- (d) Does this action by government increase or decrease family earnings? Do the proposed benefits of this action justify the impact on the family budget?
- (e) Can this activity be carried out by a lower level of government or by the family itself?
- (f) What message, intended or otherwise, does this program send to the public concerning the status of the family?

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(g) What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

SEC. 2. *Governmentwide Family Policy Coordination and Review.*

(a) Executive departments and agencies shall identify proposed regulatory and statutory provisions that may have significant potential negative impact on the family well-being and provide adequate rationale on why such proposal should be submitted. The head of the department or agency, shall certify in writing that, to the extent permitted by law, such measure has been assessed in light of the criteria in Section 1 of this Order and how such measures will enhance family well-being. Such certification shall be transmitted to the Office of Management and Budget. Departments and agencies shall give careful consideration to family-related concerns and their impact in notices of proposed rule-making and messages transmitting legislative proposals to the Congress.

(b) The Office of Management and Budget shall, to the extent permitted by law, take action to ensure that the policies of the Executive departments and agencies are applied in light of the criteria set forth in Section 1 of this Order.

(c) The Office of Policy Development shall assess existing and proposed policies and regulations that impact family well-being in light of the criteria established by Section 1 of this Order, provide evaluations on those measures that have significant potential impact on the family to the Office of Management and Budget, and advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in America.

SEC. 3. *Report.* The Office of Policy Development shall submit preliminary reports including specific recommendations to the Domestic Policy Council and shall submit a final report to the President no later than 180 days from the date of this Order. Each year thereafter, a report, including recommendations shall be submitted, through the Domestic Policy Council to the President.

SEC. 4. *Judicial Review.* This Order is intended to improve the internal management of the Executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Executive Order 12612—Federalism

SOURCE: The provisions of Executive Order 12612 of Oct. 26, 1987, appear at 52 FR 41685, 3 CFR, 1987 Comp., p. 252, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to restore the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution and to ensure that the principles of federalism established by the Framers guide the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

SECTION 1. *Definitions.* For purposes of this Order:

(a) "Policies that have federalism implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on

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the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

(b) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

SEC. 2. *Fundamental Federalism Principles.* In formulating and implementing policies that have federalism implications, Executive departments and agencies shall be guided by the following fundamental federalism principles:

(a) Federalism is rooted in the knowledge that our political liberties are best assured by limiting the size and scope of the national government.

(b) The people of the States created the national government when they delegated to it those enumerated governmental powers relating to matters beyond the competence of the individual States. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people.

(c) The constitutional relationship among sovereign governments, State and national, is formalized in and protected by the Tenth Amendment to the Constitution.

(d) The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives.

(e) In most areas of governmental concern, the States uniquely possess the constitutional authority, the resources, and the competence to discern the sentiments of the people and to govern accordingly. In Thomas Jefferson's words, the States are "the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies."

(f) The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues.

(g) Acts of the national government—whether legislative, executive, or judicial in nature—that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers.

(h) Policies of the national government should recognize the responsibility of—and should encourage opportunities for—individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort.

(i) In the absence of clear constitutional or statutory authority, the presumption of sovereignty should rest with the individual States. Uncertainties regarding the legitimate authority of the national government should be resolved against regulation at the national level.

SEC. 3. *Federalism Policymaking Criteria.* In addition to the fundamental federalism principles set forth in section 2, Executive departments and agencies shall adhere, to the extent permitted by law, to the following

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ing criteria when formulating and implementing policies that have federalism implications:

(a) There should be strict adherence to constitutional principles. Executive departments and agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of the States, and should carefully assess the necessity for such action. To the extent practicable, the States should be consulted before any such action is implemented. Executive Order No. 12372 ("Intergovernmental Review of Federal Programs") remains in effect for the programs and activities to which it is applicable.

(b) Federal action limiting the policymaking discretion of the States should be taken only where constitutional authority for the action is clear and certain and the national activity is necessitated by the presence of a problem of national scope. For the purposes of this Order:

(1) It is important to recognize the distinction between problems of national scope (which may justify Federal action) and problems that are merely common to the States (which will not justify Federal action because individual States, acting individually or together, can effectively deal with them).

(2) Constitutional authority for Federal action is clear and certain only when authority for the action may be found in a specific provision of the Constitution, there is no provision in the Constitution prohibiting Federal action, and the action does not encroach upon authority reserved to the States.

(c) With respect to national policies administered by the States, the national government should grant the States the maximum administrative discretion possible. Intrusive, Federal oversight of State administration is neither necessary nor desirable.

(d) When undertaking to formulate and implement policies that have federalism implications, Executive departments and agencies shall:

(1) Encourage States to develop their own policies to achieve program objectives and to work with appropriate officials in other States.

(2) Refrain, to the maximum extent possible, from establishing uniform, national standards for programs and, when possible, defer to the States to establish standards.

(3) When national standards are required, consult with appropriate officials and organizations representing the States in developing those standards.

SEC. 4. Special Requirements for Preemption. (a) To the extent permitted by law, Executive departments and agencies shall construe, in regulations and otherwise, a Federal statute to preempt State law only when the statute contains an express preemption provision or there is some other firm and palpable evidence compelling the conclusion that the Congress intended preemption of State law, or when the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute.

(b) Where a Federal statute does not preempt State law (as addressed in subsection (a) of this section), Executive departments and agencies shall construe any authorization in the statute for the issuance of regulations as authorizing preemption of State law by rule-making only when the statute expressly authorizes issuance of preemptive regulations or there is some other firm and palpable evidence compelling the conclu-

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sion that the Congress intended to delegate to the department or agency the authority to issue regulations preempting State law.

(c) Any regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.

(d) As soon as an Executive department or agency foresees the possibility of a conflict between State law and Federally protected interests within its area of regulatory responsibility, the department or agency shall consult, to the extent practicable, with appropriate officials and organizations representing the States in an effort to avoid such a conflict.

(e) When an Executive department or agency proposes to act through adjudication or rule-making to preempt State law, the department or agency shall provide all affected States notice and an opportunity for appropriate participation in the proceedings.

SEC. 5. *Special Requirements for Legislative Proposals.* Executive departments and agencies shall not submit to the Congress legislation that would:

(a) Directly regulate the States in ways that would interfere with functions essential to the States' separate and independent existence or operate to directly displace the States' freedom to structure integral operations in areas of traditional governmental functions;

(b) Attach to Federal grants conditions that are not directly related to the purpose of the grant; or

(c) Preempt State law, unless preemption is consistent with the fundamental federalism principles set forth in section 2, and unless a clear legitimate national purpose, consistent with the federalism policymaking criteria set forth in section 3, cannot otherwise be met.

SEC. 6. *Agency Implementation.* (a) The head of each Executive department and agency shall designate an official to be responsible for ensuring the implementation of this Order.

(b) In addition to whatever other actions the designated official may take to ensure implementation of this Order, the designated official shall determine which proposed policies have sufficient federalism implications to warrant the preparation of a Federalism Assessment. With respect to each such policy for which an affirmative determination is made, a Federalism Assessment, as described in subsection (c) of this section, shall be prepared. The department or agency head shall consider any such Assessment in all decisions involved in promulgating and implementing the policy.

(c) Each Federalism Assessment shall accompany any submission concerning the policy that is made to the Office of Management and Budget pursuant to Executive Order No. 12291 or OMB Circular No. A-19, and shall:

(1) Contain the designated official's certification that the policy has been assessed in light of the principles, criteria, and requirements stated in sections 2 through 5 of this Order;

(2) Identify any provision or element of the policy that is inconsistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order;

(3) Identify the extent to which the policy imposes additional costs or burdens on the States, including the likely source of funding for the

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States and the ability of the States to fulfill the purposes of the policy;
and

(4) Identify the extent to which the policy would affect the States' ability to discharge traditional State governmental functions, or other aspects of State sovereignty.

SEC. 7. Government-wide Federalism Coordination and Review. (a) In implementing Executive Order Nos. 12291 and 12498 and OMB Circular No. A-19, the Office of Management and Budget, to the extent permitted by law and consistent with the provisions of those authorities, shall take action to ensure that the policies of the Executive departments and agencies are consistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order.

(b) In submissions to the Office of Management and Budget pursuant to Executive Order No. 12291 and OMB Circular No. A-19, Executive departments and agencies shall identify proposed regulatory and statutory provisions that have significant federalism implications and shall address any substantial federalism concerns. Where the departments or agencies deem it appropriate, substantial federalism concerns should also be addressed in notices of proposed rule-making and messages transmitting legislative proposals to the Congress.

SEC. 8. Judicial Review. This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Executive Order 12615—Performance of commercial activities

SOURCE: The provisions of Executive Order 12615 of Nov. 19, 1987, appear at 52 FR 44853, 3 CFR, 1987 Comp., p. 259, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to facilitate ongoing efforts to ensure that the Federal Government acquires needed goods and services in the most economical and efficient manner, it is hereby ordered as follows:

SECTION 1. The head of each Executive department and agency shall, to the extent permitted by law:

(a) Ensure that new Federal Government requirements for commercial activities are provided by private industry, except where statute or national security requires government performance or where private industry costs are unreasonable;

(b) Identify by April 29, 1988, in cooperation with the Director of the Office of Management and Budget all commercial activities currently performed by government. The department and agency heads are encouraged to consult with the President's Commission on Privatization in making such identification;

(c) Schedule, by June 30, 1988, all commercial activities identified pursuant to subsection (b) for study in accordance with the procedures of OMB Circular No. A-76, as revised, and the Supplement thereto, to determine whether they could be performed more economically by private industry;

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(d) Meet the study goals for Fiscal Year 1988 set forth in "Management of the United States Government, Fiscal Year 1988"; and thereafter, beginning with Fiscal Year 1989, conduct annual studies of not less than 3 percent of the department or agency's total civilian population until all identified potential commercial activities have been studied;

(e) Include in each annual budget proposal to the Office of Management and Budget estimates of expected yearly budget savings from the privatization or commercial activities projected to be accomplished following the completion of scheduled studies, unless an exception is authorized by the Director of the Office of Management and Budget. These estimates shall be based on analysis of savings under previous studies and estimated savings to be achieved from future conversions to contract. A department or agency proposal may reflect retention of expected first-year savings as negotiated with the Office of Management and Budget for use as incentive compensation to reward employees covered by the studies for their productivity efforts, or for use in other productivity enhancement projects;

(f) Develop and maintain an effective job placement program for government employees affected by privatization initiatives and cooperate fully in interagency placement efforts;

(g) Designate a senior-level official to coordinate the OMB Circular No. A-76 studies and other privatization efforts; and

(h) Report to the President on progress each quarter, through the Director of the Office of Management and Budget.

SEC. 2. The Director of the Office of Management and Budget shall, to the extent permitted by law:

(a) Issue guidance to departments and agencies to implement this Order. Such guidance shall be designed to ensure an equitable cost comparison of government-operated commercial activities with private industry performance of the same activities, and to improve the efficiency in the conduct of studies;

(b) Publish for public review (i) not later than 30 days after its completion, the inventory of commercial activities identified pursuant to section 1(b) and the activities scheduled for study by departments and agencies in Fiscal Year 1988 pursuant to section 1(c); and (ii) not later than 30 days before the start of each successive fiscal year, the list of activities to be reviewed during that year pursuant to section 1(d); and

(c) Establish a tracking system to monitor, on a quarterly basis, progress by departments and agencies in carrying out this Order.

SEC. 3. The Director of the Office of Personnel Management, in consultation with the heads of other Executive departments and agencies, shall review and revise, as necessary and to the extent permitted by law, personnel policies and regulations in order (a) to ensure that government managers have the flexibility to organize in the most effective and efficient manner to achieve levels of productivity comparable with those of private industry, and (b) to reduce any adverse effects of productivity improvements on employees.

SEC. 4. For purposes of this Order, the terms "commercial activity," "conversion to contract," and "cost comparison" shall have the meanings set forth in OMB Circular No. A-76, as revised.

SEC. 5. Nothing in this Order shall be construed to confer a private right of action on any person, or to add in any way to applicable procurement procedures required by existing law.

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Executive Order 12625—Integrity and efficiency in Federal programs

SOURCE: The provisions of Executive Order 12625 of Jan. 27, 1988, appear at 53 FR 2812, 3 CFR, 1988 Comp., p. 550, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to coordinate and enhance governmental efforts to promote integrity and efficiency and to detect and prevent fraud and abuse in Federal programs, it is hereby ordered as follows:

SECTION 1. Establishment of the President's Council on Integrity and Efficiency. (a) There is established as an interagency committee the President's Council on Integrity and Efficiency.

(b) The Council shall be composed of the following members:

- (1) The Deputy Director of the Office of Management and Budget, who shall be Chairperson of the Council;
- (2) The Associate Attorney General;
- (3) The Deputy Director of the Office of Personnel Management;
- (4) The Executive Assistant Director-Investigations of the Federal Bureau of Investigation;
- (5) The Director of the Office of Government Ethics;
- (6) The Special Counsel of the Merit Systems Protection Board;
- (7) A designee of the Secretary of the Treasury; and
- (8) All civilian Inspectors General, now or hereafter created by statute.

(c) The Chairperson may, from time to time, invite other officials to participate in meetings of the Council.

SEC. 2. Functions of the Council. (a) The Council shall continually identify, review, and discuss areas of government-wide weakness and vulnerability to fraud, waste, and abuse and develop plans for coordinated government-wide activities that attack fraud and waste and promote economy and efficiency in government programs and operations. These will include interagency audit and investigation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency. The Council will recognize the preeminent role of the Department of Justice in matters involving law enforcement and litigation.

(b) The Council shall develop policies that will aid in establishment of a corps of well-trained and highly skilled Office of Inspector General staff members.

(c) The Council members should, to the extent of their ability and authority, pay careful attention to professional standards developed by the Council and participate in Council plans, programs, and projects.

(d) The creation and operation of the Council shall neither interfere with existing authority and responsibilities in the departments and agencies, nor augment or diminish the statutory authority or responsibilities of its members.

SEC. 3. Responsibilities of the Chairperson. (a) The Chairperson may appoint a Vice Chairperson from the Council members to assist in carrying out the functions of the Council.

(b) The Chairperson shall, in consultation with the members of the Council, establish the agenda for Council activities.

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(c) The Chairperson shall, on behalf of the Council, report to the President on the activities of the Council. The Chairperson shall advise the Council with respect to the reaction of the President on the Council's activities.

(d) The Chairperson shall provide agency heads with summary reports of the activities of the Council.

(e) The Chairperson shall establish, in consultation with members of the Council, such committees of the Council as deemed necessary appropriate for the efficient conduct of Council functions. Committees of the Council may act for the Council in their areas of designated responsibility.

(f) The Chairperson shall be supported by the Associate Director of Management and Chief Financial Officer of the Office of Management and Budget who shall advise and assist the Chairperson in the execution of the entire range of responsibilities set forth above.

SEC. 4. Coordinating Conference. (a) There is established as an inter-agency committee the Coordinating Conference of the President's Council on Integrity and Efficiency.

(b) The Conference shall be composed of the Chairperson of the Council and one representative of each Executive agency, not represented on the Council, determined by the Office of Management and Budget to possess audit and investigative resources. The head of each such agency shall designate as the agency's representative the official who is responsible for coordinating the agency's efforts to eliminate fraud and waste in the agency's programs and operations.

(c) The Chairperson shall convene meetings of the Conference at least quarterly. The Chairperson shall provide for the dissemination of the Conference of appropriate information on the activities of the Council, in order to enable the Conference members, to the extent of their own ability and authority to do so, to implement the coordinated plans, standards, policies, programs, and projects developed by the Council.

SEC. 5. Administrative Provisions. (a) The Director of the Office of Management and Budget shall provide the Council and the Conference with such administrative support as may be necessary for the performance of the functions of the Council and the Conference.

(b) The head of each agency represented on the Council or the Conference shall provide its representative with such administrative support as may be necessary, in accordance with law, to enable the agency representative to carry out his responsibilities.

SEC. 6. Revocation. Executive Order 12301 of March 26, 1981, entitled "Integrity and Efficiency in Federal Programs," is revoked.

Executive Order 12630—Governmental actions and interference with constitutionally protected property rights

SOURCE: The provisions of Executive Order 12630 of Mar. 15, 1988, appear at 53 FR 8859, 3 CFR, 1988 Comp., p. 554, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure that government actions are undertaken on a well-reasoned basis with regard for fiscal accountability, for the financial impact of the obligations

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tions imposed on the Federal government by the Just Compensation Clause of the Fifth Amendment, and for the Constitution, it is hereby ordered as follows:

SECTION 1. Purpose. (a) The Fifth Amendment of the United States Constitution provides that private property shall not be taken for public use without just compensation. Government historically has used the formal exercise of the power of eminent domain, which provides orderly processes for paying just compensation, to acquire private property for public use. Recent Supreme Court decisions, however, in reaffirming the fundamental protection of private property rights provided by the Fifth Amendment and in assessing the nature of governmental actions that have an impact on constitutionally protected property rights, have also reaffirmed that governmental actions that do not formally invoke the condemnation power, including regulations, may result in a taking for which just compensation is required.

(b) Responsible fiscal management and fundamental principles of good government require that government decision-makers evaluate carefully the effect of their administrative, regulatory, and legislative actions on constitutionally protected property rights. Executive departments and agencies should review their actions carefully to prevent unnecessary takings and should account in decision-making for those takings that are necessitated by statutory mandate.

(c) The purpose of this Order is to assist Federal departments and agencies in undertaking such reviews and in proposing, planning, and implementing actions with due regard for the constitutional protections provided by the Fifth Amendment and to reduce the risk of undue or inadvertent burdens on the public fisc resulting from lawful governmental action. In furtherance of the purpose of this Order, the Attorney General shall, consistent with the principles stated herein and in consultation with the Executive departments and agencies, promulgate Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings to which each Executive department or agency shall refer in making the evaluations required by this Order or in otherwise taking any action that is the subject of this Order. The Guidelines shall be promulgated no later than May 1, 1988, and shall be disseminated to all units of each Executive department and agency no later than July 1, 1988. The Attorney General shall, as necessary, update these guidelines to reflect fundamental changes in takings law occurring as a result of Supreme Court decisions.

SEC. 2. Definitions. For the purpose of this Order: (a) "Policies that have takings implications" refers to Federal regulations, proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, or other Federal policy statements that, if implemented or enacted, could effect a taking, such as rules and regulations that propose or implement licensing, permitting, or other condition requirements or limitations on private property use, or that require dedications or exactions from owners of private property. "Policies that have takings implications" does not include:

(1) Actions abolishing regulations, discontinuing governmental programs, or modifying regulations in a manner that lessens interference with the use of private property;

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(2) Actions taken with respect to properties held in trust by the United States or in preparation for or during treaty negotiations with foreign nations;

(3) Law enforcement actions involving seizure, for violations of law of property for forfeiture or as evidence in criminal proceedings;

(4) Studies or similar efforts or planning activities;

(5) Communications between Federal agencies or departments and State or local land-use planning agencies regarding planned or proposed State or local actions regulating private property regardless of whether such communications are initiated by a Federal agency or department or are undertaken in response to an invitation by the State or local authority;

(6) The placement of military facilities or military activities involving the use of Federal property alone; or

(7) Any military or foreign affairs functions (including procurement functions thereunder) but not including the U.S. Army Corps of Engineers civil works program.

(b) Private property refers to all property protected by the Just Compensation Clause of the Fifth Amendment.

(c) "Actions" refers to proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, application of Federal regulations to specific property, or Federal governmental actions physically invading or occupying private property, or other policy statements or actions related to Federal regulation or direct physical invasion or occupancy, but does not include:

(1) Actions in which the power of eminent domain is formally exercised;

(2) Actions taken with respect to properties held in trust by the United States or in preparation for or during treaty negotiations with foreign nations;

(3) Law enforcement actions involving seizure, for violations of law of property for forfeiture or as evidence in criminal proceedings;

(4) Studies or similar efforts or planning activities;

(5) Communications between Federal agencies or departments and State or local land-use planning agencies regarding planned or proposed State or local actions regulating private property regardless of whether such communications are initiated by a Federal agency or department or are undertaken in response to an invitation by the State or local authority;

(6) The placement of military facilities or military activities involving the use of Federal property alone; or

(7) Any military or foreign affairs functions (including procurement functions thereunder), but not including the U.S. Army Corps of Engineers civil works program.

SEC. 3. *General Principles.* In formulating or implementing policies that have takings implications, each Executive department and agency shall be guided by the following general principles:

(a) Governmental officials should be sensitive to, anticipate, and account for, the obligations imposed by the Just Compensation Clause of the Fifth Amendment in planning and carrying out governmental actions so that they do not result in the imposition of unanticipated or undue additional burdens on the public fisc.

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(b) Actions undertaken by governmental officials that result in a physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its value or use, may constitute a taking of property. Further, governmental action may amount to a taking even though the action results in less than a complete deprivation of all use or value, or of all separate and distinct interests in the same private property and even if the action constituting a taking is temporary in nature.

(c) Government officials whose actions are taken specifically for purposes of protecting public health and safety are ordinarily given broader latitude by courts before their actions are considered to be takings. However, the mere assertion of a public health and safety purpose is insufficient to avoid a taking. Actions to which this Order applies asserted to be for the protection of public health and safety, therefore, should be undertaken only in response to real and substantial threats to public health and safety, be designed to advance significantly the health and safety purpose, and be no greater than is necessary to achieve the health and safety purpose.

(d) While normal governmental processes do not ordinarily effect takings, undue delays in decision-making during which private property use is interfered with carry a risk of being held to be takings. Additionally, a delay in processing may increase significantly the size of compensation due if a taking is later found to have occurred.

(e) The Just Compensation Clause is self-actuating, requiring that compensation be paid whenever governmental action results in a taking of private property regardless of whether the underlying authority for the action contemplated a taking or authorized the payment of compensation. Accordingly, governmental actions that may have a significant impact on the use or value of private property should be scrutinized to avoid undue or unplanned burdens on the public fisc.

SEC. 4. Department and Agency Action. In addition to the fundamental principles set forth in Section 3, Executive departments and agencies shall adhere, to the extent permitted by law, to the following criteria when implementing policies that have takings implications:

(a) When an Executive department or agency requires a private party to obtain a permit in order to undertake a specific use of, or action with respect to, private property, any conditions imposed on the granting of a permit shall:

(1) Serve the same purpose that would have been served by a prohibition of the use or action; and

(2) Substantially advance that purpose.

(b) When a proposed action would place a restriction on a use of private property, the restriction imposed on the use shall not be disproportionate to the extent to which the use contributes to the overall problem that the restriction is imposed to redress.

(c) When a proposed action involves a permitting process or any other decision-making process that will interfere with, or otherwise prohibit, the use of private property pending the completion of the process, the duration of the process shall be kept to the minimum necessary.

(d) Before undertaking any proposed action regulating private property use for the protection of public health or safety, the Executive department or agency involved shall, in internal deliberative documents

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and any submissions to the Director of the Office of Management and Budget that are required:

(1) Identify clearly, with as much specificity as possible, the public health or safety risk created by the private property use that is the subject of the proposed action;

(2) Establish that such proposed action substantially advances the purpose of protecting public health and safety against the specifically identified risk;

(3) Establish to the extent possible that the restrictions imposed on the private property are not disproportionate to the extent to which the use contributes to the overall risk; and

(4) Estimate, to the extent possible, the potential cost to the government in the event that a court later determines that the action constituted a taking.

In instances in which there is an immediate threat to health and safety that constitutes an emergency requiring immediate response, this analysis may be done upon completion of the emergency action.

SEC. 5. *Executive Department and Agency Implementation.* (a) The head of each Executive department and agency shall designate an official to be responsible for ensuring compliance with this Order with respect to the actions of that department or agency.

(b) Executive departments and agencies shall, to the extent permitted by law, identify the takings implications of proposed regulatory actions and address the merits of those actions in light of the identified takings implications, if any, in all required submissions made to the Office of Management and Budget. Significant takings implications should also be identified and discussed in notices of proposed rule-making and messages transmitting legislative proposals to the Congress, stating the departments' and agencies' conclusions on the takings issues.

(c) Executive departments and agencies shall identify each existing Federal rule and regulation against which a takings award has been made or against which a takings claim is pending including the amount of each claim or award. A "takings" award has been made or a "takings" claim pending if the award was made, or the pending claim brought, pursuant to the Just Compensation Clause of the Fifth Amendment. An itemized compilation of all such awards made in Fiscal Years 1985, 1986, and 1987 and all such pending claims shall be submitted to the Director, Office of Management and Budget, on or before May 15, 1988.

(d) Each Executive department and agency shall submit annually to the Director, Office of Management and Budget, and to the Attorney General an itemized compilation of all awards of just compensation entered against the United States for takings, including awards of interests as well as monies paid pursuant to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601.

(e)(1) The Director, Office of Management and Budget, and the Attorney General shall each, to the extent permitted by law, take action to ensure that the policies of the Executive departments and agencies are consistent with the principles, criteria, and requirements stated in Sections 1 through 5 of this Order, and the Office of Management and Budget shall take action to ensure that all takings awards levied against agencies are properly accounted for in agency budget submissions.

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(2) In addition to the guidelines required by Section 1 of this Order, the Attorney General shall, in consultation with each Executive department and agency to which this Order applies, promulgate such supplemental guidelines as may be appropriate to the specific obligations of that department or agency.

SEC. 6. *Judicial Review.* This Order is intended only to improve the internal management of the Executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Executive Order 12637—Productivity Improvement Program for the Federal Government

SOURCE: The provisions of Executive Order 12637 of Apr. 27, 1988, appear at 53 FR 5349, 3 CFR, 1988 Comp., p. 566, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the Budget and Accounting Act of 1921, as amended, and in order to further improve a comprehensive program for the improvement of productivity throughout all Executive departments and agencies, it is hereby ordered as follows:

SECTION 1. There is hereby established a government-wide program to improve the quality, timeliness, and efficiency of services provided by the Federal Government. The goal of the program shall be to improve the quality and timeliness of service to the public and to achieve an annual average productivity increase of 3 percent in appropriate functions. Each Executive department and agency will gradually include appropriate functions in the Productivity Improvement Program, so that by 1991 all appropriate functions are covered.

SEC. 2. As used in this Order, the term:

- (a) "Productivity" means the efficiency with which resources are used to produce a government service or product at specified levels of quality and timeliness;
- (b) "Appropriate functions" means those agency program functions that produce measurable outputs in the form of services to the public;
- (c) "Public" means a customer outside the organization, such as citizens, businesses, State and local governments, other countries and/or their citizens, other agencies, the military;
- (d) "Outputs" means products or services delivered to the public;
- (e) "Measurement system" means both the specific measures used to determine whether standards of quality, timeliness, and efficiency of services are being met, and the procedures for the collection and reporting of data resulting from application of productivity measures;
- (f) "Organizational performance standard" means a statement that quantifies and describes the desired level of quality, timeliness, and efficiency of services to be provided by an organization;
- (g) "Management review" means the review by the Director of the Office of Management and Budget, as part of the budget process of agency accomplishments and plans for management and productivity improvements.

SEC. 3. The head of each Executive department and agency shall:

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(a) Develop a complete inventory of all appropriate functions to be included in the productivity program, use the agency's planning process to review current functions, and develop agency goals and objectives for improvement in services to the public.

(b) Develop and submit annually to the Office of Management and Budget a productivity plan. Each plan shall conform to the policy guidance issued by the Director of the Office of Management and Budget pursuant to Section 5 of this Order, and shall:

(1) set forth the agency's productivity goals and objectives;

(2) target priorities for the year and expand coverage each subsequent year to additional appropriate functions, with the objective of complete coverage of all appropriate functions by 1991;

(3) describe the proposed actions designed to make the agency's operations and delivery of services more efficient and responsive;

(4) describe the methods, including efficiency reviews and cost comparisons with the private sector, that the agency will use either to improve its own service, or to make use of commercial services available in the private sector when it is economical to do so; and

(5) describe the measurement systems to be used by the agency to gauge quality, timeliness, and efficiency.

(c) Implement the productivity program after the Management review by the Director of the Office of Management and Budget as provided in Section 6.

(d) Assess annually the agency's progress toward achieving objectives and priorities, including documented gains and cost savings. The assessment will form the basis of the agency's report to the President as required by Section 4.

(e) Designate a senior official responsible for guiding the agency's productivity improvement program.

(f) Inform agency managers and employees that they are expected to be responsible for improvements in the quality, timeliness, and efficiency of services.

(g) Include productivity and quality improvement goals in the performance appraisals of managers and supervisors.

(h) Encourage employee participation in the productivity program through employee training, employee involvement in work-related decisions, incentives, recognition, and rewards and by taking actions to minimize negative impacts on employees that may occur as a result of the productivity program.

SEC. 4. The head of each Executive department and agency shall report annually to the President through the Domestic Policy Council on accomplishments achieved under the plan. The annual report will form the basis of the Management Report to the Congress.

SEC. 5. The Director of the Office of Management and Budget is authorized to:

(a) Develop and promulgate goals, policies, principles, standards, and guidelines for the effective administration of this Order by Executive departments and agencies; and

(b) Identify and propose the elimination of statutory and regulatory barriers that inhibit opportunities to make improvements in productivity.

SEC. 6. The Director shall review, through the management review process, each agency's productivity plan based upon the requirements

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and guidance issued pursuant to Section 5 of this Order. Nothing in this Section shall be construed as displacing agency responsibilities delegated by law.

SEC. 7. The Director of the Office of Management and Budget shall submit to the Congress, in conjunction with the President's budget, a report on productivity plans and accomplishments of the agencies and the government as a whole.

SEC. 8. The Director of the Office of Personnel Management shall:

(a) Review Federal personnel policies and programs and make or recommend such changes as are appropriate to support productivity improvement;

(b) Review incentive policies and programs for Federal employees and make or recommend such changes as are appropriate to increase the productivity of the Federal Government;

(c) Develop and implement training programs for Federal employees in support of productivity improvements;

(d) Review policies and programs for Federal employees who may be displaced by productivity improvements and make or recommend such changes as are appropriate to ensure that such policies and programs will minimize any adverse impact on Federal employees.

SEC. 9. Executive Order No. 12552 of February 25, 1986, is hereby superseded.

CHAPTER 35—PANAMA CANAL

EDITORIAL NOTE: Upon entry into force on October 1, 1979, of the Panama Canal Treaty of 1977, the United States relinquished and Panama assumed plenary jurisdiction over what was the Canal Zone. Pursuant to the Panama Canal Act of 1979, Pub. L. 96-70, the statute implementing the new treaty, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by a new United States Government agency, the Panama Canal Commission, which will operate the waterway until the termination of the treaty on December 31, 1999. Many of the functions performed by the two former Canal agencies will not be undertaken by the Panama Canal Commission.

Executive Orders

- 1000 Providing conditions of employment for the Permanent Force for the Panama Canal
- 10237 Making the provisions of the act of August 26, 1950, Public Law 733, 81st Congress, applicable to the Panama Canal and the Panama Railroad Company
- 10263 Transfer of the Panama Canal (the Waterway), together with facilities and appurtenances related thereto and other facilities and appurtenances maintained and operated by the Panama Canal (the Agency), to the Panama Railroad Company
- 12115 Permanent American cemetery in the Republic of Panama
- 12219 Delegation of Panama Canal functions
- 12304 Seal for the Panama Canal Commission
- 12520 Quarters allowance to Department of Defense employees in Panama

Executive Order 1888—Providing conditions of employment for the Permanent Force for the Panama Canal

SOURCE: The provisions of Executive Order 1888 of Feb. 2, 1914, do not appear in the Federal Register system.

[Secs. 1-19 are obsolete and superseded. See Canal Zone Code of 1963, ch. 7, 76A Stat.]

LEAVE OF ABSENCE OF U.S. CITIZEN EMPLOYEES

20. *What employees entitled to leave privileges under sections 20 to 35.*
All employees who are United States citizens, with the exception of ap-

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pointees or employees who are in the military, naval, or public health service of the United States and eligible for the leave benefits provided for those services, shall be entitled to leave privileges under sections 20 to 35 of this order. The term "employees" as used in this section shall mean full-time employees and part-time employees for whom there has been established in advance a regular tour of duty during each administrative work week.

[Sec. 20 amended by Canal Zone Order 51 of Feb. 17, 1959, 24 FR 1462, and Canal Zone Order 57 of Oct. 19, 1961]

21. *Classes of leave.* Leave with pay shall be divided into two classes, namely, annual leave and travel leave; the former to serve both as vacation leave and sick leave. The provisions of sections 20 to 34 of this order, in so far as concerns their application to teachers shall be subject to the special provisions contained in section 35 of this order.

22. *Accrual of leave.* The leave year shall consist of the period from the beginning of the first complete biweekly pay period in the calendar year to the beginning of the first complete biweekly pay period in the succeeding calendar year. A fulltime employee shall be entitled to 324 hours of annual leave each leave year, which shall accrue at the rate of 12½ hours for each of the first 25 full, biweekly pay periods in the leave year, and 11½ hours for the 26th pay period in such year; and a part-time employee shall be entitled to such annual leave on a pro rata basis: *Provided*, That leave shall accrue to an employee only while in a pay status. An employee shall be given prorata credit for leave for fractional pay periods occurring within the continuity of employment when his service is interrupted by a period in which no leave is earned.

23. *Accumulation of leave.* Annual leave accruing to an employee during the leave year and not taken by him before the beginning of the succeeding leave year shall accumulate for use in succeeding leave years until it totals not to exceed 720 hours: *Provided, however*, That there shall be no limitation on accumulation until the beginning of the 1960 leave year.

CROSS REFERENCES

For provisions relative to—

(1) Pay or credit for leave of employees ordered to active military or naval duty, see 5 U.S.C. section 61a (1952);

(2) Lump sum payments for leave upon separation from service, see 5 U.S.C. section 61b (Supp. V, 1958);

(3) Payment for leave upon death of employee, see 5 U.S.C. sections 61f to 61k (1952 and Supp. V, 1958); and

(4) Transfer of adjusted leave credit upon transfer to agencies operating under different leave system, see 5 U.S.C. section 2064(e) (Supp. V, 1958).

24. *What absences chargeable to leave.* Leave shall be charged only for absences during the hours prescribed as the basic work week and no charge shall be made for holidays occurring during such absences: *Provided, however*, That leave shall be charged for holiday absences in the case of employees assigned to longer than ordinary, regular periods of duty that include substantial amounts of time in a standby status who are paid additional compensation for such service on an annual basis in

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lieu of other premium pay and where the amount of such additional compensation is determined by taking into account the requirement of holiday work: *And provided further*, That, in the case of employees assigned a limited number of, or no, regularly scheduled hours of duty whose basic administrative work week is designated as the first forty hours of creditable time, leave shall be charged for all absences (excluding those occurring on holidays that fall within any full administrative work week in which the employee performs no service) by reference to a fixed, supplementary basic work week to be prescribed for that purpose.

25. *Granting of leave*. The annual leave provided for in sections 20 to 35 of this order, including such leave as will accrue to any employee during the leave year, may be granted at any time during such year as the Governor may prescribe.

26. *Separation of employee indebted for unearned leave*. In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for such leave, or deduction therefor shall be made from any salary due him: *Provided*, That this section shall not apply in cases of death or of retirement for disability, or in case an employee is unable to return to duty because of disability, evidence of which is supported by an acceptable medical certificate: *And provided further*, That employees who enter military or naval service with restoration rights shall not be deemed as separated for the purposes of this section.

27. *Overdrawn annual leave*. Whenever at the end of the leave year an employee is indebted for unearned leave, the amount of the indebtedness may be carried forward for charge against leave earned in the succeeding leave year.

28. *Absences for illness or injury*. Absences on account of illness or injury may be charged to leave subject to such regulations as the Governor may prescribe.

29. *Travel leave*. An employee who, while in a leave-with-pay status, travels to and remains at points outside the tropics for a period of 30 calendar days or more, inclusive of the time required for travel to and from such points, shall be entitled to 40 hours of travel leave with pay. *Provided*, That such leave shall not be credited to an employee more often than once in any leave year except that, if no travel leave was credited to the employee in the preceding leave year, he may be credited travel leave twice in the current leave year: *And provided further*, That travel leave shall not be credited unless the employee returns to duty. Travel leave credited prior to January 11, 1958, shall not be taken into account in determining the right to travel leave under this section.

30. *Limitation on amount of leave granted*. The maximum amount of leave with pay, inclusive of travel leave, which may be granted at any one time shall be 720 hours: *Provided*, That this limitation may be waived in case of serious illness or disability of an employee, established to the satisfaction of the Governor or such officers as he may designate.

31. *Rate of pay for leave*. Payment for leave shall be at the same rate as that which the employee would have received had he remained on duty during the period of leave: *Provided, however*, That in the case of employees subject to the Federal Employees Pay Act of 1945, as amended, the inclusion of night pay differential in such payment shall

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be subject to the limitations contained in section 301 of that Act as amended, 5 U.S.C. section 921 (Supp. V, 1958).

32. *Reporting from leave.* An employee who fails to report from authorized leave within one week after the expiration of such leave shall be subject either to disciplinary action or termination unless it is determined that the delay was not reasonably avoidable and was therefore excusable.

33. *Leave without pay.* Leave of absence without pay may be granted subject to such regulations as may be prescribed by the Governor.

34. *Regulations of Governor.* The Governor is granted continuing authority to make such additional regulations, not inconsistent with the provisions of this order, as he shall deem necessary for the complete operation and administration of the leave system established by this order.

35. *Sick or emergency leave of teachers and certain other school employees.* Teachers and other employees of the Schools Division who are hired on a 9 or 10 month basis may be granted not more than 15 days of leave with pay during the school year to cover illness or injury, the presence of contagious disease or death in the home, or other personal emergency, but shall not be entitled to any other leave without pay. Such leave shall be chargeable only for absence upon days during which the employee would otherwise work and receive pay, shall be exclusive of holidays, and shall be paid for at the rate prescribed in section 31 of this order. Such leave which is unused at the end of a school year shall be accumulated for use in succeeding school years until the totals not to exceed 45 days. Such leave shall be accorded and administered as provided in such regulations, not inconsistent with this section, as may be prescribed by the Governor.

LEAVE OF ABSENCE OF NON-U.S. CITIZEN EMPLOYEES

36. *Leave privileges of non-U.S. citizen employees.* The Governor is authorized to provide by regulation for the granting of leave privileges generally, to employees who are not citizens of the United States: *Provided,* That the leave accruing to any such employee shall not exceed 208 hours in any one year and that annual leave accruing to an employee during the leave year and not taken by him before the beginning of the succeeding leave year shall accumulate for use in succeeding leave years until it totals not to exceed 460 hours.

[Secs. 20-39 were amended to comprise secs. 20-36 and to read as printed above by Canal Zone Order 51 of Feb. 17, 1959, 24 FR 1462. Secs. 20 and 22 amended by Zone Order 57 of Oct. 19, 1961, 26 FR 10055. Sec. 40 obsolete and superseded.]

Executive Order 10237—Making the provisions of the act of August 26, 1950, Public Law 733, 81st Congress, applicable to the Panama Canal and the Panama Railroad Company

SOURCE: The provisions of Executive Order 10237 of April 27, 1951, appear at 3627, 3 CFR, 1949-1953 Comp., p. 746, unless otherwise noted.

By virtue of the authority vested in me by section 3 of the act of August 26, 1950, entitled "An Act To protect the national security of the United States by permitting the summary suspension of employ-

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of civilian officers and employees of various departments and agencies of the Government, and for other purposes" (Public Law 733, 81st Congress), and deeming such action necessary in the best interests of national security, it is hereby ordered that the provisions of the said act shall apply to The Panama Canal and to the Panama Railroad Company: ¹ *Provided, however*, That this order shall not be construed as modifying the authority conferred upon the Secretary of the Army by paragraph 1 (h) of Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950.

Executive Order 10263—Transfer of the Panama Canal (the Waterway), together with facilities and appurtenances related thereto, and other facilities and appurtenances maintained and operated by the Panama Canal (the Agency), to the Panama Railroad Company

SOURCE: The provisions of Executive Order 10263 of June 29, 1951, appear at 16 FR 6333, 3 CFR, 1949-1953 Comp., p. 764, unless otherwise noted.

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, 50 Stat. 487, and by section 256 of title 2 of the Canal Zone Code, as added by section 10 of the act of September 26, 1950, 64 Stat. 1042, and as President of the United States, it is ordered as follows:

SECTION 1. There are hereby transferred to the Panama Railroad Company, a corporate agency and instrumentality of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Panama Canal Company, (a) the Panama Canal (the waterway), together with all the facilities, buildings, structures, and improvements related thereto, and (b) all other facilities, buildings, structures, and improvements whatsoever now maintained and operated by The Panama Canal, an independent agency of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government: *Provided, however*, that there are excepted from such transfer the following-described facilities, buildings, structures, and improvements, situated on the Isthmus of Panama, which shall be for use and administration by the agency which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government:

(a) The following-described buildings and structures situated in the Canal Zone:

- (1) The Administration Building (Bldg. No. 1105), Cristobal.
- (2) The Civil Affairs Building and Annex (Bldgs. Nos. 0610 and 0610-B), Ancon.
- (3) The Dentist's Office (Bldg. No. 320), Ancon.
- (4) The Office Building of the Experimental Garden (Bldg. No. 16), Summit.

(b) All buildings and structures of the Health Bureau of The Panama Canal.

¹ EDITORIAL NOTE: The Panama Railroad Company was reestablished as the Panama Canal Company by act of Sept. 6, 1950 (64 Stat. 1038). The Company was abolished and superseded by the Panama Canal Commission (93 Stat. 454).

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- (c) The following-described classes of civic buildings and structures:
 - (1) Schoolhouses and such recreational buildings and structures as are maintained in connection with the schools' program.
 - (2) Police buildings and structures.
 - (3) Prison buildings and structures.
 - (4) Fire stations and related structures.
 - (5) Courthouses.
 - (6) Post office buildings.
- (d) Those general improvements in permanent town sites in the Canal Zone which consist of grading, excavation, fills, and landscaping.
- (e) The improvements consisting of roads, streets, and sidewalks.
- (f) The sewerage systems in the Canal Zone.
- (g) The street lighting systems.
- (h) The cemeteries in the Canal Zone.

SEC. 2. There are hereby transferred to the Panama Railroad Company (a) all property other than facilities, buildings, structures, and improvements, (b) all records, (c) all other assets, and (d) all contracts, obligations, and liabilities of The Panama Canal immediately prior to the effective date of this order, with the exception of (a) property other than facilities, buildings, structures, and improvements, (b) records, (c) other assets, and (d) contracts, obligations, and liabilities, shown in the accounts and records of The Panama Canal as of June 30, 1951, as appertaining to civil government, including health, sanitation, and protection: *Provided, however*, that nothing in this section shall be construed as effecting a transfer to the Panama Railroad Company of any of the unobligated balance of the appropriation for "Construction of additional facilities, Panama Canal" remaining on June 30, 1951.

SEC. 3. There are hereby transferred to the Panama Railroad Company all of the personnel on the rolls of The Panama Canal immediately prior to the effective date of this order with the exception of the Governor of The Panama Canal and of the personnel of the Civil Affairs Bureau, the courts, the Health Bureau, the Civil Intelligence Branch, and the Civil Defense unit.

SEC. 4. Nothing in this order shall be construed as effecting a transfer to the Panama Railroad Company of any of the right, title, or interest of the United States in or to the lands in the Canal Zone, or in or to any of the lands now owned by the United States and held by The Panama Canal as custodian in territory under the jurisdiction of the Republic of Panama.

SEC. 5. The transfers to the Panama Railroad Company made by this order shall, as provided by law, be deemed to have been accepted and assumed by the said company without the necessity of any act or acts on the part of the company except as otherwise stipulated in section 246 of title 2 of the Canal Zone Code, as added by the act of June 29, 1948, 62 Stat. 1076.

SEC. 6. In view of the transfers made by this order, and in effectuation of the purposes of the said act of September 26, 1950, there are hereby revoked (a) section 17 of Executive Order No. 1888 of February 2, 1914, and (b) the order of the Secretary of War designated as Canal Zone Order No. 4 of January 24, 1947, the provisions of which section and order relate to the assignment of, and rental rates for, quarters furnished employees, and the rates to be charged for supplies and services related to quarters.

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SEC. 7. The transfers effected by this order are hereby made subject to the reservation that the President may hereafter make such adjustments or corrections in respect of such transfers as he may deem necessary or expedient.

SEC. 8. This order shall become effective on July 1, 1951.

Executive Order 12115—Permanent American cemetery in the Republic of Panama

SOURCE: The provisions of Executive Order 12115 of Jan. 19, 1979, appear at 44 FR 4645, 3 CFR, 1979 Comp., p. 360, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 10 of the Act of March 4, 1923 (42 Stat. 1509), as amended (36 U.S.C. 132), and to implement the intent of the United States Senate (124 Cong. Rec. S 3857 of March 16, 1978) as set forth by Reservations (1) and (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, it is hereby ordered as follows:

1-101. The Secretary of State shall take all appropriate steps to complete, prior to the date of entry into force of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, hereinafter referred to as the Neutrality Treaty, the negotiations which have begun with the Republic of Panama for an agreement under which the United States of America would, upon the date of entry into force of such agreement and thereafter, administer as a permanent American cemetery such part of Corozal Cemetery as encompasses the remains of citizens of the United States of America.

1-102. Subject to the conclusion of the agreement referred to in Section 1-101 of this Order, the American Battle Monuments Commission shall administer that part of Corozal Cemetery which encompasses the remains of citizens of the United States of America, in accordance with the terms of the agreement with the Republic of Panama.

1-103. The Governor of the Canal Zone shall, to the extent funds are available, disinter from Mount Hope Cemetery, before entry into force of the Neutrality Treaty, and reinter in Corozal Cemetery the remains of United States citizens, and the remains of members of their immediate family that are buried with them. The Governor shall not remove from Mount Hope Cemetery the remains of any such person whose next of kin timely requests in writing that such remains not be disinterred. The Governor shall transport to the United States for reinterment the remains of any such person whose next of kin timely requests in writing that such remains be transported to the United States for reinterment.

1-104. The Secretary of Defense shall, to the extent funds are available, disinter from Corozal Cemetery and transport to the United States for reinterment the remains of United States citizens, and the remains of members of their immediate family buried with them, whose next of kin requests in writing by April 1, 1982, that such remains be transported to the United States for reinterment.

1-105. Subject to the availability of funds, all the costs incurred in the disinterment, reinterment in Corozal Cemetery, and transportation

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of remains required by this Order, including the costs of preparation, cremation if requested, and a casket or urn, shall be borne by the United States of America. The costs of reinterment in the United States, including any costs for funeral home services, vaults, plots, or crypts, will be the responsibility of the next of kin making the request, except to the extent otherwise provided by law, including any unused specific entitlements available pursuant to statute.

1-106. (a) The Governor of the Canal Zone shall identify, to the extent feasible, the closest surviving next of kin of each deceased United States citizen buried in the Mount Hope and the Corozal Cemeteries, and of such next of kin of each member of the immediate family that is buried with such United States citizen.

(b) The Governor shall provide notice to the next of kin of such deceased buried in Mount Hope Cemetery that the Government plans to remove the deceased to Corozal Cemetery unless the next of kin requests in writing, not later than three months after the first issuance of such notification, either that the remains not be removed from Mount Hope Cemetery, or that the remains be moved to, and reinterred in, the United States in a cemetery or other burial site designated by the next of kin.

(c) The Governor shall also provide notice to the next of kin of such deceased who are buried in Corozal Cemetery that the Government will disinter and transport such deceased to the United States for reinterment in a cemetery or other burial site designated by the next of kin, if the next of kin so requests in writing not later than April 1, 1982.

(d) The Governor shall publish the notices provided for in subsections (b) and (c) of this Section in appropriate newspapers, magazines and other periodicals, and utilize such other means of communicating with the next of kin that he finds to be practical and effective.

1-107. The Governor of the Canal Zone shall, before the entry into force of the Neutrality Treaty, fully advise the next of kin of all available options, and their implications, in those cases where a request has been made that remains not be removed from Mount Hope Cemetery.

1-108. The Secretary of the Army shall supervise the planned removal of the remains from Mount Hope Cemetery to Corozal Cemetery and shall ensure compliance with the wishes of any next of kin who, within the time specified in clause B(i) to the Third Reservation to the Neutrality Treaty, objects to such removal.

1-109. As used in this Order:

(a) "Next of kin" means the person whom the Governor of the Canal Zone determines to be the nearest living relative, by consanguinity or affinity, of a person buried at Mount Hope Cemetery or Corozal Cemetery.

(b) "Members of their immediate family" means the spouse, children, mother or father of the deceased United States citizen.

Executive Order 12215—Delegation of Panama Canal functions

SOURCE: The provisions of Executive Order 12215 of May 27, 1980, appear at 45 FR 36043, 3 CFR, 1980 Comp., p. 257, unless otherwise noted.

By the authority vested in me as President of the United States of America by the Panama Canal Code (76A Stat. 1), as amended, by the

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Panama Canal Act of 1979 (93 Stat. 452; 22 U.S.C. 3601 *et seq.*), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-1. *The Secretary of Defense.*

1-101. The Secretary of Defense shall develop for the President's consideration an appropriate legislative proposal as required by Section 3(d) of the Panama Canal Act of 1979 (93 Stat. 456; 22 U.S.C. 3602(d)). The Secretary of Defense shall coordinate development of this proposal with the Secretary of State and the heads of other interested Executive agencies.

1-102. The function vested in the President by Section 1212(d)(1) of the Panama Canal Act of 1979 (93 Stat. 464; 22 U.S.C. 3652(d)(1)) to exclude employees of, or positions within, the Department of Defense from coverage under any provision of subchapter II, Chapter 2 of Title I of the Panama Canal Act of 1979, is delegated to the Secretary of Defense.

1-103. The function vested in the President by Section 1281(b) of Title 6 of the Panama Canal Code (76A Stat. 455; 6 P.C.C. 1281(b)), as amended, with respect to areas and installations made available to the United States pursuant to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977 is delegated to the Secretary of Defense.

1-104. The function vested in the President by Section 1701 of the Panama Canal Act of 1979 (93 Stat. 492; 22 U.S.C. 3801), with respect to regulations applicable within the areas and installations made available to the United States pursuant to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, is delegated to the Secretary of Defense.

1-105. The functions vested in the President by Sections 1243(c)(1) and 2401 of the Panama Canal Act of 1979 (93 Stat. 474 and 495; 22 U.S.C. 3681(c)(1) and 3851) are delegated to the Secretary of Defense.

1-106. The functions vested in the President by Section 1502(a) of the Panama Canal Act of 1979 (93 Stat. 488; 22 U.S.C. 3782(a)) are delegated to the Secretary of Defense.

1-2. *Coordination of Pay and Employment Practices.*

1-201. In order to coordinate the policies and activities of agencies under subchapter II of Chapter 2 of Title I of the Panama Canal Act of 1979 (93 Stat. 463; 22 U.S.C. 3651 *et seq.*), each agency shall periodically consult with the Secretary of Defense with respect to the establishment of rates of pay, in order to develop compatible or unified systems for basic pay. In addition, each agency shall consult with the Secretary of Defense on such other matters as the Secretary may deem appropriate in order to develop compatible or unified employment practices.

1-202. The head of each agency shall, upon approval by the Secretary of Defense, adopt a schedule of basic pay pursuant to Section 1215 of the Panama Canal Act of 1979 (93 Stat. 465; 22 U.S.C. 3655) and adopt regulations governing other matters relating to pay and employment practices.

1-203. The authority vested in the President by Section 1223(a) of the Panama Canal Act of 1979 to coordinate the policies and activities of agencies (93 Stat. 467; 22 U.S.C. 3663(a)) is delegated to the Secretary of Defense. The Secretary shall exercise such functions in a

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manner which is in accord with the provisions of Sections 1-201 and 1-202 of this Order.

1-3. *Panama Canal Commission.*

1-301. The functions vested in the President and delegated to the Secretary of Defense in this Section 1-3 of this Order shall be carried out by the Secretary of Defense, who shall, in carrying out the said functions, provide, by redelegation or otherwise, for their performance, in a manner consistent with paragraph 3 of Article III of the Panama Canal Treaty of 1977, by the Panama Canal Commission.

1-302. The authority of the President under Section 1104 of the Panama Canal Act of 1979 (93 Stat. 457; 22 U.S.C. 3614) to fix the compensation of and to define the authorities and duties of the Deputy Administrator and the Chief Engineer is delegated to the Secretary of Defense.

1-303. The functions vested in the President by Sections 1418, 1801, and 2206 of the Panama Canal Act of 1979 (93 Stat. 487, 492, and 494; 22 U.S.C. 3778, 3811, and 3844) are delegated to the Secretary of Defense.

1-304. The authority of the President under Section 1701 of the Panama Canal Act of 1979 (93 Stat. 492; 22 U.S.C. 3801) with respect to regulations applicable within the areas and installations made available to the United States pursuant to the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 is delegated to the Secretary of Defense.

1-305. The function vested in the President by Section 1281(b) of Title 6 of the Panama Canal Code (76A Stat. 455; 6 P.C.C. 1281(b)), as amended, with respect to areas and installations in the Republic of Panama made available to the United States pursuant to the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 is delegated to the Secretary of Defense.

1-306. The functions vested in the President by Sections 82 and 86 of Title 3 of the Panama Canal Code (76A Stat. 54 and 55; 3 P.C.C. 82 and 86), as amended, are delegated to the Secretary of Defense.

1-307. [Rescinded]

[Sec. 1-307 rescinded by EO 12652 of Sept. 19, 1988, 53 FR 36775, 3 C.F.R. 1988 Comp. p. 582]

1-308. Except to the extent heretofore delegated, the functions vested in the President pursuant to subchapter II of Chapter 2 of Title I of the Panama Canal Act of 1979 (93 Stat. 463) are hereby delegated to the Secretary of Defense.

1-4. *Other Agencies.*

1-401. The functions vested in the President by Sections 1111 and 3301 of the Panama Canal Act of 1979 (93 Stat. 459 and 497; 22 U.S.C. 3621 and 3871), are delegated to the Secretary of State. The Secretary shall perform these functions in coordination with the Secretary of Defense.

1-402. The functions vested in the President by Sections 1112(d), 1344(b), and 1504(b) of the Panama Canal Act of 1979 (93 Stat. 460, 484, and 488; 22 U.S.C. 3622(d), 3754(b), and 3784(b)) are delegated to the Secretary of State.

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1-403. The functions vested in the President by Section 1243(a)(1) of the Panama Canal Act of 1979 (93 Stat. 473; 22 U.S.C. 3681(a)(1)) are delegated to the Director of the Office of Personnel Management.

1-404. Paragraphs (22) and (23) of Section 1 of Executive Order No. 11609, as amended, and Executive Order No. 11713 are revoked.

Executive Order 12304—Seal for the Panama Canal Commission

SOURCE: The provisions of Executive Order 12304 of Apr. 29, 1981, appear at 46 FR 24521, 3 CFR, 1981 Comp., p. 149, unless otherwise noted.

By the authority vested in me as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is approved for the official use of the Panama Canal Commission a seal approved by the Board of Directors of the Panama Canal Commission, and described as follows:

A view of a lower lock chamber of the Panama Canal, showing the bow end of a ship in an upper chamber, behind a closed gate, flanked on the left by a control house and on the right by a towing locomotive and three lamp standards. The ship colors to be dull red hull with white trim, white superstructure, white kingposts, and gray funnel. The lock walls, control house and lamp standards to be white. The control house roof to be dull red. The lock gate and towing locomotive to be gray. The sky to be light blue and the water to be azure blue. All to be encircled with a white band edged in navy blue and containing the inscription "PANAMA CANAL COMMISSION * COMISION DEL CANAL DE PANAMA *" in navy blue letters.

SEC. 2. The design of the seal is attached hereto and made a part of this Order.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 12304, is printed in 3 CFR, 1981 Comp., p. 149.

Executive Order 12520—Quarters allowance to Department of Defense employees in Panama

SOURCE: The provisions of Executive Order 12520 of June 19, 1985, appear at 50 FR 25683, 3 CFR, 1985 Comp., p. 374, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1217a of the Panama Canal Act of 1979 (22 U.S.C. 3657a), it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized to prescribe the regulations referred to in section 1217a of the Panama Canal Act of 1979, relating to quarters allowances.

SEC. 2. The regulations prescribed under Section 1 shall be consistent with Article VII(4) of the Agreement in Implementation of Article IV of the Panama Canal Treaty and with all other relevant provisions of the Panama Canal Treaty and related agreements.

CHAPTER 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Proclamations

- 2795 Display of the flag at Fort McHenry National Monument and Historic Shrine
- 3044 Display of the flag of the United States of America at half-staff upon the death of certain officials and former officials
- 3418 Display of the flag at the United States Marine Corps Memorial in Arlington, Virginia
- 4000 Display of the flag at the White House
- 4064 Display of flags at the Washington Monument
- 4131 Display of the flag at United States Customs ports of entry

Executive Orders

- 9704 Functions of the American Battle Monuments Commission
- 9776 Reopening East Executive Avenue to public travel
- 9873 Transferring to the American Battle Monuments Commission the functions of the War Department pertaining to the administration of the Mexico City National Cemetery
- 9892 Designating the Fish and Wildlife Service as the agency responsible for the enforcement of the Sockeye Salmon Fishery Act of 1947
- 10057 Transferring to the American Battle Monuments Commission functions pertaining to certain United States Military Cemeteries
- 10834 The flag of the United States
- 11145 Providing for a Curator of the White House and establishing a Committee for the Preservation of the White House
- 11593 Protection and enhancement of the cultural environment
- 11815 Delegating to the National Capital Planning Commission the function of establishing the metes and bounds of the National Capital Service Area

Proclamation 2795—Display of the flag at Fort McHenry National Monument and Historic Shrine

SOURCE: The provisions of Proclamation 2795 of July 2, 1948, appear at 13 FR 3757, 3 CFR, 1943-1948 Comp., p. 212, unless otherwise noted.

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United

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States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

and

WHEREAS Francis Scott Key, after having anxiously watched from afar the bombardment of Fort McHenry throughout the night of September 13, 1814, saw his country's flag still flying in the early morning of the following day; and

WHEREAS this stirring evidence of the failure of the prolonged attack inspired him to write the *Star-Spangled Banner*, our national anthem:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Commander in Chief of the Army and Navy, do hereby proclaim that, as a perpetual symbol of our patriotism, the flag of the United States shall hereafter be displayed at Fort McHenry National Monument and Historic Shrine at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the said joint resolution are modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

Proclamation 3044—Display of the flag of the United States of America at half-staff upon the death of certain officials and former officials

SOURCE: The provisions of Proclamation 3044 of Mar. 1, 1954, appear at 19 FR 1235, 3 CFR, 1954-1958 Comp., p. 4, unless otherwise noted.

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

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NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment.

[Sec. 1 amended by Proc. 3948 of Dec. 12, 1969, 34 FR 19699, 3 CFR, 1966-1970 Comp., p. 446]

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occa-

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sions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

Proclamation 3418—Display of the flag at the United States Marine Corps Memorial in Arlington, Virginia

SOURCE: The provisions of Proclamation 3418 of June 12, 1961, appear at 26 FR 5387, 3 CFR, 1959-1963 Comp., p. 128, unless otherwise noted.

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution To Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

"Sec. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

"Sec. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."; and

WHEREAS the battle between the United States forces and the forces of the Japanese for possession of the island of Iwo Jima, in the North Pacific, was one of the most significant and most costly battles of World War II; and

WHEREAS victory in that battle was achieved by our forces after a heroic and prolonged struggle; and

WHEREAS the raising of the American flag during that battle over Mt. Suribachi on February 23, 1945, symbolizes the courage and valor of the American fighting forces in World War II; and

WHEREAS the United States Marine Corps Memorial in Arlington, Virginia, portrays the actual raising of the American flag on Mt. Suribachi:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, to hereby proclaim that the flag of the United States of America shall hereafter be displayed at the United States Marine Corps Memorial in Arlington, Virginia, at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, are hereby modified accordingly.

Proclamation 4000—Display of the flag at the White House

SOURCE: The provisions of Proclamation 4000 of Sept. 4, 1970, appear at 35 FR 14187, 3 CFR, 1966-1970 Comp., p. 497, unless otherwise noted.

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United

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States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

"Sec. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

"Sec. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."; and

WHEREAS the White House is a house that belongs to all the people; and

WHEREAS the White House, as the home of the President and his family, symbolizes the love of home and family which has long characterized our people; and

WHEREAS it is customary for many of our own citizens and many persons from other countries who visit our Nation's Capital to view the White House at night; and

WHEREAS it is thus appropriate that the flag be flown over the White House by night as well as by day:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at the White House at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

Proclamation 4064—Display of flags at the Washington Monument

SOURCE: The provisions of Proclamation 4064 of July 6, 1971, appear at 36 FR 12967, 3 CFR, 1971-1975 Comp., p. 49, unless otherwise noted.

The Washington Monument stands day and night as America's tribute to our first President. The fifty American flags that encircle the base of the Monument represent our fifty States and, at the same time, symbolize our enduring Federal Union.

As this Nation's 200th year approaches, I believe that it would do all Americans well to remember the years of our first President and to recall the enduring ideals of our Nation.

As an expression of our rededication to the ideals of America and in accordance with the joint resolution of Congress of June 22, 1942 (56 Stat. 377), as amended by the joint resolution of December 22, 1942, (56 Stat. 1074), which permits the flag to be displayed at night "upon special occasions when it is desired to produce a patriotic effect," it is appropriate that our national colors henceforth be displayed day and night at the Washington Monument.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that, effective July 4, 1971, the fifty flags of the United States of America displayed at the

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Washington Monument in the District of Columbia be flown at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

Proclamation 4131—Display of the flag at United States Customs ports of entry

SOURCE: The provisions of Proclamation 4131 of May 5, 1972, appear at 37 FR 9311, 3 CFR, 1971-1975 Comp., p. 138, unless otherwise noted.

The flag of the United States should be one of the first things seen at our Customs ports of entry, both by American citizens returning from abroad and by travelers from other countries.

As the symbol of our country and our freedoms, the national colors of the United States provide a welcome greeting of warm promise.

Many people, however, enter our country at night when the flag is not flown, because of the nearly universal custom of displaying it only from sunrise to sunset.

Authority exists to amend that custom. A Congressional joint resolution of June 22, 1942 (56 Stat. 377), as amended (36 U.S.C. 173-178), permits the flag to be displayed at night "upon special occasions when it is desired to produce a patriotic effect."

I believe it is appropriate that returning citizens and visitors from other countries be welcomed by our flag whether they arrive at their ports of entry by night or by day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at all times during the day and night, except when the weather is inclement, at United States Customs ports of entry which are continually open.

The rules and customs pertaining to the display of the flag, as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

Executive Order 9704—Functions of the American Battle Monuments Commission

SOURCE: The provisions of Executive Order 9704 of Mar. 14, 1946, appear at 11 FR 2675, 3 CFR, 1943-1948 Comp., p. 519, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered that the American Battle Monuments Commission shall control as to materials and design, and provide regulations for and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside of the United States and its territories and possessions, and shall also, when authorized by any foreign country or political subdivision thereof in which the American armed forces have served, control as to materials and design, and provide regulations for the erection of, all memorial monuments and

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buildings located in, and commemorating the services of the American armed forces in, any such foreign country or political subdivision.

Executive Order 9776—Reopening East Executive Avenue to public travel

SOURCE: The provisions of Executive Order 9776 of Sept. 5, 1946, appear at 11 FR 9786, 3 CFR, 1943-1948 Comp., p. 567, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy, I hereby order that East Executive Avenue in the District of Columbia be reopened to public travel on and after September 9, 1946.

Executive Order 9873—Transferring to the American Battle Monuments Commission the functions of the War Department pertaining to the administration of the Mexico City National Cemetery

SOURCE: The provisions of Executive Order 9873 of July 16, 1947, appear at 12 FR 4777, 3 CFR, 1943-1948 Comp., p. 657, unless otherwise noted.

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, as amended by the act of June 26, 1946, 60 Stat. 318, and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to the Mexico City National Cemetery, located in Mexico, Calazada, Molchor Ocampo 31, Mexico, DF, now vested in or exercised by the War Department,¹ together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, are hereby transferred from the War Department to the American Battle Monuments Commission.

2. The unexpended balances of appropriations or allotments of appropriations which are now, or may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Office of Management and Budget may deem necessary.

[Para. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 9892—Designating the Fish and Wildlife Service as the agency responsible for the enforcement of the Sockeye Salmon Fishery Act of 1947

SOURCE: The provisions of Executive Order 9892 of Sept. 20, 1947, appear at 12 FR 6345, 3 CFR, 1943-1948 Comp., p. 666, unless otherwise noted.

¹ EDITORIAL NOTE: The three military departments (Army, Navy, including Naval Aviation and the U.S. Marine Corps, and Air Force) of the War Department were reorganized under the National Military Establishment pursuant to the National Security Act of 1947, approved July 26, 1947 (61 Stat. 495, 5 U.S.C. 171). The National Military Establishment was designated as the Department of Defense by the National Security Act Amendment of 1949 (63 Stat. 579, 5 U.S.C. 171).

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By virtue of the authority vested in me by section 6(a) of the Sockeye Salmon Fishery Act of 1947 (Public Law No. 255, 80th Congress), and as President of the United States, I hereby designate the Fish and Wildlife Service of the Department of the Interior as the Federal agency which shall be responsible, under the direction of the Secretary of the Interior, for the enforcement of the provisions of (1) the said Sockeye Salmon Fishery Act of 1947, (2) the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington on May 26, 1930, and (3) the regulations of the International Pacific Salmon Fisheries Commission, created pursuant to Article II of the said convention.

Executive Order 10057—Transferring to the American Battle Monuments Commission functions pertaining to certain United States Military Cemeteries

SOURCE: The provisions of Executive Order 10057 of May 14, 1949, appear at 14 FR 2585, 3 CFR, 1949-1953 Comp., p. 269, unless otherwise noted.

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, 42 Stat. 1509, as amended by the act of June 26, 1946, 60 Stat. 318, and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to World War II United States Military Cemeteries located in or near Cambridge, England; Margraten, the Netherlands; Hamm, Luxembourg; Henri-Chapelle, Belgium; Neuville-en-Condroz, Belgium; St. Laurent, France; St. James, France; Epinal, France; St. Avold, France; Draguignan, France; Nettuno (Anzio), Italy; Florence, Italy; Tunis (Carthage), Tunisia; and Ft. McKinley, Philippine Islands, now vested in or exercised by the Secretary of the Army pursuant to the act of May 16, 1946, c. 261, 60 Stat. 182, as amended by the act of August 5, 1947, c. 497, 61 Stat. 779, together with (a) such supplies, equipment, temporary structures, utilities and facilities pertaining thereto as are located therein or are in depots or other places overseas under the jurisdiction of the American Graves Registration Service and are determined by the American Battle Monuments Commission to be required for the discharge of its responsibilities under this order, and (b) the cemetery records currently maintained for the operation of such cemeteries, including records pertinent to the acquisition of real estate upon which the cemeteries and their appurtenances are situated, are hereby transferred to the American Battle Monuments Commission; such transfer to become effective as to any particular cemetery or group of cemeteries upon the completion of the operational mission of the Department of the Army with respect to such cemetery or group of cemeteries, but in no instance later than December 31, 1951, or at such earlier date as may be determined by the President or the Congress pursuant to the said act of May 16, 1946, as amended by the act of August 5, 1947.

[Para. 1 amended by EO 10087 of Dec. 3, 1949, 14 FR 7287, 3 CFR, 1949-1953 Comp., p. 285]

2. The Department of the Army shall have the right to re-enter any of such cemeteries subsequent to the effective date of the transfer of

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functions with respect thereto for the purpose of making exhumations or reinterments should any such action become necessary.

3. There shall be transferred to the American Battle Monuments Commission so much of the unexpended balances of appropriations now, or which may become, available to the Department of the Army for the performance of the functions transferred by the provisions of this order as the Director of the Office of Management and Budget may deem necessary for use prior to July 1, 1950, in connection with such functions.

[Para. 3 amended by EO 10087 of Dec. 3, 1949, 14 FR 7287, 3 CFR, 1949-1953 Comp., p. 285; EO 12608 of Sept. 9, 1987, 52 FR 39617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10834—The flag of the United States

SOURCE: The provisions of Executive Order 10834 of Aug. 21, 1959, appear at 24 FR 6865, 3 CFR, 1959-1963 Comp., p. 367, unless otherwise noted.

WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: "On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission."; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended, it is hereby ordered as follows:

PART I—DESIGN OF THE FLAG

SECTION 1. The flag of the United States shall have thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

SEC. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

SEC. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order.

PART II—REGULATIONS GOVERNING EXECUTIVE AGENCIES

SEC. 21. The following sizes of flags are authorized for executive agencies:

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Size	Dimensions of flag	
	Hoist (width)	Fly (length)
	<i>Feet</i>	<i>Feet</i>
(1)	20.00	38.00
(2)	10.00	19.00
(3)	8.95	17.00
(4)	7.00	11.00
(5)	5.00	9.50
(6)	4.33	5.50
(7)	3.50	6.65
(8)	3.00	4.00
(9)	3.00	5.70
(10)	2.37	4.50
(11)	1.32	2.50

SEC. 22. Flags manufactured or purchased for the use of executive agencies:

(a) Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b) Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

SEC. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 24. (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b) So far as practicable, (1) the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and (2) the Secretary and the Administrator shall mutually coordinate their actions under that section.

SEC. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies under contracts awarded prior to the date of this order, including those so possessed or so acquired by the General Services Administration for distribution to other agencies, shall be utilized until unserviceable.

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PART III—GENERAL PROVISIONS

SEC. 31. The flag prescribed by Executive Order No. 10798 of January 3, 1959, shall be the official flag of the United States until July 4, 1960, and on that date the flag prescribed by Part I of this order shall become the official flag of the United States; but this section shall neither derogate from section 24 or section 25 of this order nor preclude the procurement, for executive agencies, or flags provided for by or pursuant to this order at any time after the date of this order.

SEC. 32. As used in this order, the term "executive agencies" means the executive departments and independent establishments in the executive branch of the Government, including wholly-owned Government corporations.

SEC. 33. Executive Order No. 10798 of January 3, 1959, is hereby revoked.

EDITORIAL NOTE: The attachment detailing the proportions of the constituent parts of the flag, which was attached to and made a part of Executive Order 10834, is printed in 3 CFR, 1959-1963 Comp., p. 368.

Executive Order 11145—Providing for a Curator of the White House and establishing a Committee for the Preservation of the White House

SOURCE: The provisions of Executive Order 11145 of Mar. 7, 1964, appear at 29 FR 3189, 3 CFR, 1964-1965 Comp., p. 184, unless otherwise noted.

WHEREAS the White House, as the home of the highest elective officer of the United States

- symbolizes the American ideal of responsible self-government
- is emblematic of our democracy and our national purpose
- has been intimately associated with the personal and social life of the Presidents of the United States and many of their official acts
- occupies a particular place in the heart of every American citizen, and

WHEREAS certain historic rooms and entranceways in the White House

- possess great human interest and historic significance
- traditionally have been open to visitors
- have provided pleasure and patriotic inspiration to millions of our citizens
- have come to be regarded as a public museum and the proud possession of all Americans, and

WHEREAS the Congress by law (Act of September 22, 1961), (75 Stat. 586) has authorized the care and preservation of the historic and artistic contents of the White House and has given the President certain responsibilities with regard thereto:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. (a) There shall be in the White House a Curator of the White House. The Curator shall assist in the preservation and protection of the articles of furniture, fixtures, and decorative objects used or displayed in the principal corridor on the ground floor and the principal public rooms on the first floor of the White House, and in such other areas in the White House as the President may designate.

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(b) The Curator shall report to the President and shall make recommendations with respect to the articles, fixtures, and objects to be declared by the President, under section 2 of the Act of September 22, 1961, to be of historic or artistic interest.

SEC. 2. There is hereby established the Committee for the Preservation of the White House, hereinafter referred to as the "Committee". The Committee shall be composed of the Director of the National Park Service, the Curator of the White House, the Secretary of the Smithsonian Institution, the Chairman of the Commission of Fine Arts, the Director of the National Gallery of Art, the Chief Usher of the White House, and so many other members as the President may from time to time appoint. The Director of the National Park Service shall serve as Chairman of the Committee and shall designate an employee of that Service to act as Executive Secretary of the Committee. Members of the Committee shall serve without compensation.

[Sec. 2 amended by EO 11565 of Oct. 13, 1970, 35 FR 16155, 3 CFR, 1966-1970 Comp., p. 976]

SEC. 3. (a) The Committee shall report to the President and shall advise the Director of the National Park Service with respect to the discharge of his responsibility under the Act of September 22, 1961, for the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. Among other things, the Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and as to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

(b) The Committee shall cooperate with the White House Historical Association, a nonprofit organization heretofore formed under the laws of the District of Columbia.

(c) The Committee is authorized to invite individuals who are distinguished or interested in the fine arts to attend its meetings or otherwise to assist in carrying out its functions.

SEC. 4. Consonant with law, each Federal department and agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). The Department of the Interior shall furnish necessary administrative services for the Committee.

EDITORIAL NOTE: The Committee for the Preservation of the White House was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Secretary of the Interior in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 11593—Protection and enhancement of the cultural environment

SOURCE: The provisions of Executive Order 11593 of May 13, 1971, appear at 36 FR 8921, 3 CFR, 1971-1975 Comp., p. 559, unless otherwise noted.

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By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 *et seq.*), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 *et seq.*), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq.*), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 *et seq.*), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environment and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photo-

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graphs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. Responsibilities of the Secretary of the Interior. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

Chapter 36—Parks, Forests, and Public Property

Executive Order 11815—Delegating to the National Capital Planning Commission the function of establishing the metes and bounds of the National Capital Service Area

SOURCE: The provisions of Executive Order 11815 of Oct. 23, 1974, appear at 39 FR 37963, 3 CFR, 1971-1975 Comp., p. 922, unless otherwise noted.

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93-198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

CHAPTER 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Proclamations

- 2819 Copyright - Philippines
- 2885 Copyright - Israel
- 2993 Copyright - Principality of Monaco
- 3076 Copyright - India
- 3175 Copyrights - Brazil
- 3637 Extending United States copyright protections to works of the Republic of Singapore

Executive Orders

- 9463 Providing for the protection abroad of inventions resulting from research financed by the Government
- 10096 Providing for a uniform patent policy for the Government with respect to inventions made by Government employees and for the administration of such policy

Proclamation 2819—Copyright - Philippines

SOURCE: The provisions of Proclamation 2819 of Oct. 21, 1948, appear at 13 FR 6193, 3 CFR, 1943-1948 Comp., p. 243, unless otherwise noted.

WHEREAS Title 17 of the United States Code, entitled "Copyrights", has been codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652;

WHEREAS section 9 of the said Title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

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WHEREAS section 1 of the said Title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights;

WHEREAS section 9 of the said title further provides that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.":

WHEREAS the Philippine Copyright Law, No. 3134, approved March 6, 1924, provides by section 10 (b) that the provisions of the said law shall extend to the work of a proprietor who is not a citizen of the Republic of the Philippines only:

When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act;

WHEREAS in Republic Act No. 76, approved October 21, 1946, it is provided by section 1 that:

Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the states of the United States of America, which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America.

AND WHEREAS satisfactory official assurances have been received that on and after October 21, 1948, pursuant to the aforementioned Law No. 3134, as amended by the aforesaid Republic Act No. 76, citizens of the United States will be entitled to obtain copyright protection for their works in the Republic of the Philippines which is substantially equal to the protection afforded by the copyright laws of the United States and which is afforded on substantially the same basis as to the citizens of the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the said Title 17 of the United States Code:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do declare and proclaim:

That on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of the citizens of the Republic of the Philippines, and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17 except those conferred by the provisions em-

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bodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published and copyrighted after July 1, 1909, and reproduced for use on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-third.

Proclamation 2885—Copyright - Israel

SOURCE: The provisions of Proclamation 2885 of May 4, 1950, appear at 15 FR 2617, 3 CFR, 1949-1953 Comp., p. 58, unless otherwise noted.

WHEREAS section 9 of title 17 of the United States Code, entitled, "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."; and

WHEREAS section 1 of the said title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

• • • • •
"(e) To perform the copyrighted work publicly for profit if it be a musical composition; • • • *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights."; and

WHEREAS section 9 of the said title 17 further provides that "the existence of the reciprocal conditions aforesaid shall be determined by

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the President of the United States, by proclamation made from time to time, as the purposes of this title may require."; and

WHEREAS satisfactory official assurances have been received that since May 15, 1948, citizens of the United States have been entitled to obtain copyright protection for their works in Israel which has been accorded substantially on the same basis as to citizens of Israel, including rights similar to those provided by section 1 (e) of the said title 17:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do declare and proclaim:

That since May 15, 1948, the conditions specified in sections 9 (b) and 1 (e) of the said title 17 of the United States Code have existed and have been fulfilled with respect to citizens of Israel, and that citizens of Israel are and since May 15, 1948, have been entitled to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not be reproduced within the United States prior to May 15, 1948, on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of May, in the year of our Lord nineteen hundred and fifty and of the Independence of the United States of America the one hundred and seventy-fourth.

Proclamation 2993—Copyright - Principality of Monaco

SOURCE: The provisions of Proclamation 2993 of Oct. 15, 1952, appear at 17 FR 9159, 3 CFR, 1949-1953 Comp., p. 170, unless otherwise noted.

WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by said title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."

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and

WHEREAS section 1 of the said title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights";

and

WHEREAS section 9 of the said title 17 further provides that "The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time as the purposes of this title may require * * *"; and

WHEREAS a Sovereign Ordinance has been issued this day by His Serene Highness the Prince of Monaco whereby citizens of the United States as of this day are entitled to obtain copyright protection in the Principality of Monaco for all their artistic and literary works on substantially the same basis as nationals of Monaco, including rights similar to those provided by section 1 (e) of the said title 17.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do declare and proclaim:

That as of this day the conditions specified in sections 9 (b) and 1 (e) of title 17 of the United States Code exist and are fulfilled with respect to nationals of the Principality of Monaco, and that nationals of the Principality of Monaco as of this day are entitled to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published on or after this day, and registered for copyright in the United States which have not been reproduced within the United States prior to this day on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of October in the year of our Lord nineteen hundred and fifty-two and of the Independence of the United States of America the one hundred and seventy-seventh.

Proclamation 3076—Copyright - India

SOURCE: The provisions of Proclamation 3076 of Oct. 21, 1954, appear at 19 FR 6967, 3 CFR, 1954-1958 Comp., p. 25, unless otherwise noted.

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WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

and

WHEREAS section 1 of the said title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

and

WHEREAS section 9 of the said title 17 further provides:

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time, as the purposes of this title may require * * *

and

WHEREAS satisfactory official assurances have been received that after August 15, 1947, as before that date, the laws of India have granted to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of India, including rights similar to those provided by section 1(e) of the said title 17:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do declare and proclaim:

That after August 15, 1947, as before that date, the conditions specified in sections 9 (b) and 1 (e) of the said title 17 of the United States Code have, as between the United States and India, existed and been fulfilled, and that citizens of India, after August 15, 1947, as before that date, have been and are entitled to all the benefits of the said title 17, except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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DONE at the City of Washington this twenty-first day of October in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-ninth.

Proclamation 3175—Copyrights - Brazil

SOURCE: The provisions of Proclamation 3175 of Apr. 2, 1957, appear at 22 FR 2305, 3 CFR, 1954-1958 Comp., p. 105, unless otherwise noted.

WHEREAS section 1 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

• • • • •
(e) To perform the copyrighted work publicly for profit if it be a musical composition; • • • Provided, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

and

WHEREAS section 9 of the said title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation;

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

and

WHEREAS section 9 of the said title 17 further provides:

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require • • •

and

WHEREAS the Government of the United States of America and the Government of the United States of Brazil are parties to the Convention on Literary and Artistic Copyright, signed at Buenos Aires on August 11, 1910; and

WHEREAS satisfactory official assurances have been received that under provisions of Brazilian law and by the terms of the above-mentioned Convention of Buenos Aires citizens of the United States of America are entitled to obtain copyright in the United States of Brazil for their works on substantially the same basis as citizens of the United

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States of Brazil, including rights similar to those provided by section 1 (e) of title 17 of the United States Code:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do declare and proclaim:

That there exist with respect to the United States of Brazil the reciprocal conditions specified in sections 1 (e) and 9 (b) of the said title 17 and that citizens of the United States of Brazil are entitled to all the benefits of the said title 17:

Provided, that the provisions of section 1 (e) of the said title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published and copyrighted after the date of this proclamation which have not been reproduced in the United States prior to the date hereof on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of April in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighth first.

Proclamation 5657—Extending United States copyright protections to works of the Republic of Singapore

SOURCE: The provisions of Proclamation 5657 of May 18, 1987, appear at 52 FR 19123 CFR, 1987 Comp., p. 74, unless otherwise noted.

Section 104(b)(4) of Title 17 of the United States Code provides that when the President finds that a particular foreign nation extends to its nationals and domiciliaries and works first published in that nation, the same copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may by proclamation extend protection under that title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which are first published in that nation.

Satisfactory assurances have been received that as of April 10, 1987, the Republic of Singapore has granted to works of United States nationals and domiciliaries and works first published in the United States the same copyright protection in Singapore on the same basis as works of Singaporean nationals and domiciliaries and works first published in Singapore, and that such protection also has been extended to works of United States nationals and domiciliaries and works first published in the United States, which were in the Singapore public domain on April 9, 1987, and such works still enjoy copyright protection in the United States.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 104(b)(4) of Title 17 of the United States Code, do declare and proclaim that the conditions specified in Section 104(b)(4) of Title 17 of the United States Code have been satisfied in the Republic of Singapore with respect

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works of which one or more of the authors is, on the date of first publication, a national or domiciliary of the United States of America, or which are first published in the United States, and as of this day works of Singaporean nationals and domiciliaries and works first published in Singapore are entitled to protection under Title 17 of the United States Code.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May, in the year of our Lord nineteen hundred and eighty-seven, and the Independence of the United States of America the two hundred and eleventh.

Executive Order 9865—Providing for the protection abroad of inventions resulting from research financed by the Government

SOURCE: The provisions of Executive Order 9865 of June 14, 1947, appear at 12 FR 3907, 3 CFR, 1943-1948 Comp., p. 651, unless otherwise noted.

CROSS REFERENCE: Executive Order 10096 of Jan. 23, 1950, this chapter, p. 774, modifies Executive Order 9865.

WHEREAS the Government of the United States now has and will hereafter acquire title to, or the right to file foreign patent applications for, numerous inventions arising out of scientific and technical research carried on by or for the Government; and

WHEREAS it is in the interest of the United States to acquire patent protection abroad on certain inventions resulting from government-financed research; and

WHEREAS it is in the interest of the Government to foster, promote, and develop the foreign commerce of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes, and as Commander in Chief of the Army and Navy, and in the interest of the foreign affairs functions of the United States and internal management of the Government, it is hereby ordered as follows:

1. All Government departments and agencies shall, whenever practicable, acquire the right to file foreign patent applications on inventions resulting from research conducted or financed by the Government.

2. All Government departments and agencies which have or may hereafter acquire title to inventions or the right to file patent applications abroad thereon, shall fully and continuously inform the Department of Commerce concerning such inventions, except as provided in section 6 hereof, and shall make recommendations to the Department of Commerce as to which of such inventions should receive patent protection by the United States abroad and the foreign jurisdictions in which such patent protection should be sought. The recommendations of such departments and agencies shall indicate the immediate or future industrial, commercial or other value of the invention concerned, including its value to public health.

3. The Department of Commerce shall determine whether, and in what foreign jurisdictions, the United States should seek patents for such inventions and, to the extent of appropriations available therefor, shall procure patent protection for such inventions, taking all action, consistent with existing law, necessary to acquire and maintain patent rights abroad. Such determinations of the said Department shall be

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made after full consultation with United States industry and commerce, with the Department of State, and with other Government agencies familiar with the technical, scientific, industrial, commercial or other economic or social factors affecting the invention involved, and after consideration of the availability of valid patent protection in the countries determined to be immediate or potential markets for, or producers of, products, processes, or services covered by or relating to the invention.

4. The Department of Commerce shall administer foreign patents acquired by the United States under the terms of this order and shall issue licenses thereunder in accordance with law under such rules and regulations as the Secretary of Commerce shall prescribe. Nationals of the United States shall be granted licenses on a nonexclusive royalty free basis except in such cases as the Secretary shall determine and proclaim it to be inconsistent with the public interest to issue such licenses on a nonexclusive royalty free basis.

5. The Department of State, in consultation with the Department of Commerce, shall negotiate arrangements among governments under which each government and its nationals shall have access to the foreign patents of the other participating governments. Patents relating to matters of public health may be licensed by the Secretary of Commerce, with the approval of the Secretary of State, to any country or its nationals upon such terms and conditions as are in accordance with law and as the Secretary of Commerce determines to be appropriate, regardless of whether such country is a party to the arrangements provided for in this section.

6. There shall be exempted from the provisions of this order (a) all inventions within the jurisdiction of the Atomic Energy Commission¹ except in such cases as the said Commission specifically authorizes the inclusion of an invention under the terms of this order; and (b) all other inventions officially classified as secret or confidential for reasons of the national security. Nothing in this order shall supersede the declassification policies and procedures established by Executive Orders Nos. 9568 of June 8, 1945, 9604 of August 25, 1945, and 9809 of December 12, 1946.

Executive Order 10096—Providing for a uniform patent policy for the Government with respect to inventions made by Government employees and for the administration of such policy

SOURCE: The provisions of Executive Order 10096 of Jan. 23, 1950, appear at 15 FR 389, 3 CFR, 1949-1953 Comp., p. 292, unless otherwise noted.

WHEREAS inventive advances in scientific and technological fields frequently result from governmental activities carried on by Government employees; and

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its function transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

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WHEREAS the Government of the United States is expending large sums of money annually for the conduct of these activities; and

WHEREAS these advances constitute a vast national resource; and

WHEREAS it is fitting and proper that the inventive product of functions of the Government, carried out by Government employees, should be available to the Government; and

WHEREAS the rights of Government employees in their inventions should be recognized in appropriate instances; and

WHEREAS the carrying out of the policy of this order requires appropriate administrative arrangements:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces of the United States, in the interest of the establishment and operation of a uniform patent policy for the Government with respect to inventions made by Government employees, it is hereby ordered as follows:

1. The following basic policy is established for all Government agencies with respect to inventions hereafter made by any Government employee:

(a) The Government shall obtain the entire right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) last above, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title and interest therein (although the Government could obtain some under paragraph (a), above), the Government agency concerned, subject to the approval of the Chairman of the Government Patents Board (provided for in paragraph 3 of this order and hereinafter referred to as the Chairman), shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b), above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4(b)

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hereof, falls within the provisions of paragraph (a), above, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b), above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) next below.

(d) In any case wherein the Government neither (1) pursuant to the provisions of paragraph (a) above, obtains entire right, title and interest in and to an invention nor (2) pursuant to the provisions of paragraph (b) above, reserves a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(e) Actions taken, and rights acquired, under the foregoing provisions of this section, shall be reported to the Chairman in accordance with procedures established by him.

2. Subject to considerations of national security, or public health, safety, or welfare, the following basic policy is established for the collection, and dissemination to the public, of information concerning inventions resulting from Government research and development activities:

(a) When an invention is made under circumstances defined in paragraph 1(a) of this order giving the United States the right to title thereof, the Government agency concerned shall either prepare and file an application for patent therefor in the United States Patent Office or make a full disclosure of the invention promptly to the Chairman, who may, if he determines the Government interest so requires, cause application for patent to be filed or cause the invention to be fully disclosed by publication thereof: *Provided, however, That*, consistent with present practice of the Department of Agriculture, no application for patent shall, without the approval of the Secretary of Agriculture, be filed in respect of any variety of plant invented by any employee of that Department.

(b) [Revoked]

[Sec. 2(b) revoked by EO 10695 of Jan. 16, 1957, 22 FR 365, 3 CFR, 1954-1958 Comp., p. 355]

3. (a) [Revoked]

(b) The Government Patents Board shall advise and confer with the Chairman concerning the operation of those aspects of the Government's patent policy which are affected by the provisions of this order or of Executive Order No. 9865, and suggest modifications or improvements where necessary.

(c) [Revoked]

(d) The Chairman shall establish such committees and other working groups as may be required to advise or assist him in the performance of any of his functions.

(e) The Chairman of the Government Patents Board and the Chairman of the Interdepartmental Committee on Scientific Research and

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Development¹ (provided for by Executive Order No. 9912 of December 24, 1947) shall establish and maintain such mutual consultation as will effect the proper coordination of affairs of common concern.

[Sec. 3 amended by EO 10930 of Mar. 24, 1961, 26 FR 2583, 3 CFR, 1959-1963 Comp., p. 456]

4. With a view to obtaining uniform application of the policies set out in this order and uniform operations thereunder, the Chairman is authorized and directed:

(a) To consult and advise with Government agencies concerning the application and operation of the policies outlined herein;

(b) After consultation with the Government Patents Board, to formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the aforesaid policies, together with the recommendations of the Government Patents Board thereon;

(c) To submit annually a report to the President concerning the operation of such policies, and from time to time such recommendations for modification thereof as may be deemed desirable;

(d) To determine with finality any controversies or disputes between any Government agency and its employees, to the extent submitted by any party to the dispute, concerning the ownership of inventions made by such employees or rights therein; and

(e) To perform such other or further functions or duties as may from time to time be prescribed by the President or by statute.

5. The functions and duties of the Secretary of Commerce and the Department of Commerce under the provisions of Executive Order No. 9865 of June 14, 1947 are hereby transferred to the Chairman and the whole or any part of such functions and duties may be delegated by him to any Government agency or officer: *Provided*, That said Executive Order No. 9865 shall not be deemed to be amended or affected by any provision of this Executive order other than this paragraph 5.

6. Each Government agency shall take all steps appropriate to effectuate this order, including the promulgation of necessary regulations which shall not be inconsistent with this order or with regulations issued pursuant to paragraph 4 (b) hereof.

7. As used in this Executive order, the next stated terms, in singular and plural, are defined as follows for the purposes hereof:

(a) "Government agency" includes any executive department and any independent commission, board, office, agency, authority, or other establishment of the Executive Branch of the Government of the United States (including any such independent regulatory commission or board, any such wholly-owned corporation, and the Smithsonian Institution), but excludes the Atomic Energy Commission.²

¹ EDITORIAL NOTE: Revoked by Executive Order 10807 of Mar. 13, 1959, 24 FR 1897, 3 CFR, 1959-1963 Comp., p. 329, which established the Federal Council for Science and Technology. The Council was abolished by Pub. L. 94-282 (90 Stat. 472, 42 U.S.C. 1862 nt.).

² EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to

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(b) "Government employee" includes any officer or employee, civilian or military, of any Government agency, except such part-time consultants or employees as may be excluded by regulations promulgated pursuant to paragraph 4(b) hereof.

(c) "Invention" includes any art, machine, manufacture, design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

EDITORIAL NOTE: Executive Order 10096 is further amended by Executive Order 10930 of Mar. 24, 1961, 26 FR 2583, 3 CFR, 1959-1963 Comp., p. 456. The provisions of Executive Order 10930 are set forth below:

SECTION 1. The Government Patents Board, established by section 3(a) of Executive Order No. 10096 of January 23, 1950, and all positions established thereunder or pursuant thereto are hereby abolished.

SEC. 2. All functions of the Government Patents Board and of the Chairman thereof under the said Executive Order No. 10096, except the functions of conference and consultation between the Board and the Chairman, are hereby transferred to the Secretary of Commerce, who may provide for the performance of such transferred functions by such officer, employee, or agency of the Department of Commerce as he may designate.

SEC. 3. The Secretary of Commerce shall make such provision as may be necessary and consonant with law for the disposition or transfer of property, personnel, records, and funds of the Government Patents Board.

SEC. 4. Except to the extent that they may be inconsistent with this order, all determinations, regulations, rules, rulings, orders, and other actions made or issued by the Government Patents Board, or by any Government agency with respect to any function transferred by this order, shall continue in full force and effect until amended, modified, or revoked by appropriate authority.

SEC. 5. Subsections (a) and (c) of section 3 of Executive Order No. 10096 are hereby revoked, and all other provisions of that order are hereby amended to the extent that they are inconsistent with the provisions of this order.

CHAPTER 38—VETERANS BENEFITS

Proclamations

- 3080 Fixing terminal date respecting service in the Armed Forces entitling certain persons to certain veterans' benefits and services, preferences, and other assistance
- 4373 Fixing terminal date respecting service in the Armed Forces entitling persons to certain veterans benefits

Executive Orders

- 8099 Administration of benefits provided by act of Congress approved April 3, 1939
- 11302 Prescribing regulations governing the allowance of travel expenses of claimants and beneficiaries of the Veterans' Administration and their attendants
- 11521 Authorizing veterans readjustment appointments for veterans of the Vietnam era
- 11762 Delegating to the Administrator of Veterans' Affairs certain authority relating to grants-in-aid to the Republic of the Philippines for medical care and treatment of veterans
- 12020 Payment of educational benefits to veterans and dependents when schools are temporarily closed to conserve energy
- 12436 Payment of certain benefits to survivors of persons who died in or as a result of military service

Proclamation 3080—Fixing terminal date respecting service in the Armed Forces entitling persons to certain veterans' benefits and services, preferences, and other assistance

SOURCE: The provisions of Proclamation 3080 of Jan. 1, 1955, appear at 20 FR 173, 3 CFR, 1954-1958 Comp., p. 29, unless otherwise noted.

WHEREAS, in accordance with past practice, the Congress has provided, in respect of the Korean conflict, that entitlement to various veterans benefits and services, preferences, and other assistance be limited to persons serving in the armed forces between dates fixed by or pursuant to law;

WHEREAS the President is empowered to determine the terminal dates of service conferring such entitlement; and

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WHEREAS the armistice between the United Nations Command, on the one hand, and the Korean People's Army and the Chinese People's Volunteers, on the other hand, effective July 27, 1953, has terminated hostilities in the said conflict:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me as President, do proclaim as follows:

(1) February 1, 1955 is hereby determined, under the provisions of the Act of May 11, 1951, ch. 49, 65 Stat. 40, Public Law 28, 82nd Congress, 38 U.S.C. 745, as the date prior to which persons serving in the active service in the armed forces of the United States on or after June 27, 1950, must have so served in order that, pursuant to the said Act, such persons shall be entitled to benefits of medical, hospital, and domiciliary care, burial benefits, and they and their dependents shall be entitled to compensation or pension provided by law for persons who served during the period of World War II.

(2) February 1, 1955 is hereby determined, under the provisions of paragraph V, part II, Veterans Regulation Numbered 1 (a) as amended by the Act of June 30, 1954, ch. 437, 68 Stat. 360, Public Law 463, 83d Congress, 38 U.S.C. ch. 12A, relating to compensation for disability or death, as the date prior to which persons who, on or after June 27, 1950, engaged in certain activities incident to acceptance, induction, or entry into the active military or naval service must have suffered an injury or disease in order to be entitled to the benefits provided by such paragraph V.

(3) (a) February 1, 1955 is hereby determined, under the provisions of the first sentence of section 500 (a) of the Servicemen's Readjustment Act of 1944, ch. 268, 58 Stat. 291, as amended, 38 U.S.C. 694 (a), relating to guaranteed, insured, and direct loans, as the date prior to which persons serving in the active military or naval service of the United States on or after June 27, 1950, must have so served in order that such persons shall be eligible for the benefits of Title III of the said Act, as amended.

(b) February 1, 1955 is hereby determined, under the provisions of the fourth sentence of section 500 (a) and section 507 of the Servicemen's Readjustment Act of 1944, as amended, 38 U.S.C. 694 (a), 694h, as the date on which the ten years referred to in those provisions shall commence.

(4) February 1, 1955 is hereby determined, under the provisions of section 607 of the said Servicemen's Readjustment Act of 1944, as amended, 38 U.S.C. 695f, relating to job counseling and employment placement service, as the date prior to which persons must have served in the active service of the armed forces in order that such persons come within the meaning of the term "veteran," contained in the said section, by reason of service on or after June 27, 1950.

(5) February 1, 1955 is hereby determined, under the provisions of section 407 of the Veterans' Readjustment Assistance Act of 1952, ch. 875, 66 Stat. 687, Public Law 550, 82nd Congress, 38 U.S.C. 997, relating to unemployment compensation, as the date prior to which persons must have served in the active service in the armed forces (on or after June 27, 1950) in order to come within the meaning of the term "veteran" pursuant to said section.

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(6) (a) February 1, 1955 is hereby determined, under the provisions of section 501 (a) of the said Veterans' Readjustment Assistance Act of 1952, 38 U.S.C. 1011 (a), as the date prior to which members of the armed forces engaged in active service on or after June 27, 1950, must have so served in order to be eligible for mustering-out payments under Title V of the said Act.

(b) February 1, 1955 is hereby determined, under the provisions of section 501 (b) (7) of the said Veterans' Readjustment Assistance Act of 1952, 38 U.S.C. 1011 (b) (7), as the date on which the three years therein referred to shall commence.

(7) January 31, 1955 is hereby determined, under the provisions of section 201 of the said Veterans' Readjustment Assistance Act of 1952, 38 U.S.C. 911, relating to eligibility for education and training under Title II of the said Act, as the date ending the basic service period referred to in paragraph (1) of the said section.

(8) February 1, 1955 is hereby determined, under the provisions of the Act of December 28, 1950, ch. 1176, 64 Stat. 1121, Public Law 894, 81st Congress, as amended, 38 U.S.C. 701a, as the date prior to which persons serving in the active military, naval, or air service of the United States on or after June 27, 1950, must have so served in order that, pursuant to the said Act, such persons shall be afforded basic entitlement to vocational rehabilitation as therein provided.

(9) February 1, 1955 is hereby determined, under the provisions of the first section of the Act entitled "An Act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes," ch. 532, 65 Stat. 574, Public Law 187, 82nd Congress, 38 U.S.C. 252a, as the date prior to which veterans of service on or after June 27, 1950, must have served in order that the Administrator of Veterans' Affairs may, pursuant to the said Act, provide or assist in providing such persons automobiles or other conveyances in accordance with said Act.

(10) February 1, 1955 is hereby determined under the provisions of section 503 of the Act of October 14, 1940, ch. 862, 54 Stat. 1125, as amended, 42 U.S.C. 1573, relating to housing for distressed families of servicemen and veterans, as the date prior to which persons must have served in the military or naval forces of the United States in order that such persons come within the meaning of the term "veterans" contained in the said section.

(11) February 1, 1955 is hereby determined, under the provisions of section 2 (14) of the United States Housing Act of 1937, ch. 896, 50 Stat. 888, as amended, 42 U.S.C. 1402 (14), relating to low-rent housing, as the date prior to which persons must have served in the active military or naval service of the United States in order that such persons come within the meaning of the terms "veteran" and "serviceman" contained in the said section by reason of service on or after June 27, 1950.

(12) January 31, 1955 is hereby determined, under the provisions of section 507 of the Housing Act of 1949, ch. 338, 63 Stat. 436, as amended, 42 U.S.C. 1477, relating to preferences for veterans and families of deceased servicemen in respect of farm housing, as the date ending the period during which persons must have served in the military forces of the United States in order that such persons come within the meaning of the terms "veteran" and "deceased servicemen," contained in the

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said section, by reason of service during the period beginning June 27, 1950.

(13) January 31, 1955 is hereby determined, under the provisions of section 1 (b) (2) of the Bankhead-Jones Farm Tenant Act, as amended, 67 Stat. 132, 7 U.S.C. 1001 (b) (2), as the date ending the period during which persons must have served in the military forces of the United States in order to come within the definition of veteran, contained in the said section by reason of service on or after June 27, 1950.

(14) February 1, 1955 is hereby determined, under the provisions of section 213 of the National Housing Act, ch. 847, 48 Stat. 1246, as amended, 12 U.S.C. 1715e (b), relating to cooperative housing insurance, as the date prior to which persons must have served in the active military or naval service of the United States in order that such persons come within the meaning of the term "veteran," contained in the said section, by reason of service on or after June 27, 1950.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this first day of January, in the year of our Lord nineteen hundred and fifty-five and of the Independence of the United States of America the one hundred and seventy-ninth.

Proclamation 4373—Fixing terminal date respecting service in the Armed Forces entitling persons to certain veterans benefits

SOURCE: The provisions of Proclamation 4373 of May 7, 1975, appear at 40 FR 20257, 3 CFR, 1971-1975 Comp., p. 477, unless otherwise noted.

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

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Executive Order 8099—Administration of benefits provided by act of Congress approved April 3, 1939

SOURCE: The provisions of Executive Order 8099 of Apr. 28, 1939, appear at 4 FR 1725, 3 CFR, 1938-1943 Comp., p. 482, unless otherwise noted.

CROSS REFERENCE: Executive Order 10122 of Apr. 14, 1950, Chapter 32, p. 563, amends this order.

WHEREAS section 1 of the act of August 30, 1935, c. 830, 49 Stat. 1028, as amended by section 5 of the act entitled "An Act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress," approved April 3, 1939 (Pub., No. 18, 76th Congress), provides, in part, as follows:

"* * * That all officers, warrant officers, and enlisted men of the United States, other than the officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army:"

WHEREAS the said act is silent as to what agency shall administer the benefits provided thereby; and

WHEREAS it is deemed appropriate and desirable that such administration be placed in the Veterans' Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the act of July 3, 1930, c. 863, 46 Stat. 1016, the duties, powers, and functions incident to the administration and payment of the benefits provided by the statute as above set out are hereby vested in the Veterans' Administration:

Provided, That in the administration of the retirement-pay provisions of the said statute, the determination of all questions of eligibility for the benefits thereof, including all questions of law and fact relating to such eligibility, shall be made by the Secretary of War, or by someone designated by him in the War Department,¹ in the manner, and in accordance with the standards, provided by law, or regulations for Regular Army personnel:

Provided further, That the administration of the provisions of the act of December 17, 1919 (40 Stat. 367, as amended) as to persons to whom such provisions are extended by the act of December 10, 1941, entitled 'An act to extend the six months' death gratuity benefits, now paid only to dependents of officers and enlisted men of the Regular Army, to dependents of all officers, warrant officers, and enlisted men of the Army of the United States who die in line of duty while in active military

¹ EDITORIAL NOTE: The three military departments (Army, Navy, including Naval Aviation and the U.S. Marine Corps, and the Air Force) of the War Department were reorganized under the National Military Establishment pursuant to the National Security Act of 1947, approved July 26, 1947 (61 Stat. 495, 5 U.S.C. 171). The National Military Establishment was designated as the Department of Defense by the National Security Act Amendment of 1949 (63 Stat. 579, 5 U.S.C. 171).

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service of the United States' (Public Law 329, 77th Congress), shall be vested in the Secretary of War or in such person or persons as may be designated by him in the War Department.

[EO 8099 amended by EO 8461 of June 28, 1940, 5 FR 2436, 3 CFR, 1938-1943 Comp., p. 680; EO 9051 of Feb. 6, 1942, 7 FR 839, 3 CFR, 1938-1943 Comp., p. 1086]

Executive Order 11302—Prescribing regulations governing the allowance of travel expenses of claimants and beneficiaries of the Veterans' Administration and their attendants

SOURCE: The provisions of Executive Order 11302 of Sept. 6, 1966, appear at 31 FR 11741, 3 CFR, 1966-1970 Comp., p. 578, unless otherwise noted.

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, as amended by the Act of June 18, 1966 (Public Law 89-455), it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 as affected by this order, to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

[Sec. 2 amended by EO 11609 of July 22, 1971, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586]

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Sections 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

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a. The mileage allowance and fare and tolls authorized by Section 2 hereof.

b. Actual local travel expenses.

c. The expense of hiring an automobile or ambulance, of the fee authorized for services of a non-employee attendant.

SEC. 5. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 6. Executive Order No. 11142 of February 12, 1964, is hereby superseded.

Executive Order 11521—Authorizing veterans readjustment appointments for veterans of the Vietnam era

SOURCE: The provisions of Executive Order 11521 of Mar. 26, 1970, appear at 35 FR 5311, 3 CFR, 1966-1970 Comp., p. 912, unless otherwise noted.

WHEREAS this Nation has an obligation to assist veterans of the armed forces in readjusting to civilian life;

WHEREAS the Federal Government, as an employer, should reflect its recognition of this obligation in its personnel policies and practices;

WHEREAS veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers;

WHEREAS the Federal Government is continuously concerned with building an effective workforce, and veterans constitute a major recruiting source; and

WHEREAS the development of skills is most effectively achieved through a program combining employment with education or training;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by sections 3301 and 3302 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) Subject to paragraph (b) of this section, the head of an agency may make an excepted appointment, to be known as a "veterans readjustment appointment", to any position in the competitive service up to and including GS-5 or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108(1), (2), of title 5, United States Code, who:

(1) served on active duty in the armed forces of the United States during the Vietnam era;

(2) at the time of his appointment has completed not more than fourteen years of education; and

(3) is found qualified to perform the duties of the position.

(b) Employment under paragraph (a) of this section is authorized only under a training or educational program developed by an agency in accordance with guidelines established by the Office of Personnel Management.

(c) An employee given a veterans readjustment appointment under paragraph (a) of this section shall serve subject to:

(1) the satisfactory performance of assigned duties; and

(2) participation in the training or educational program under which he is appointed.

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(d) An employee who does not satisfactorily meet the conditions set forth in paragraph (c) of this section shall be removed in accordance with appropriate procedures.

(e) An employee serving under a veterans readjustment appointment may be promoted, reassigned, or transferred.

(f) An employee who completes the training or educational program and who has satisfactorily completed two years of substantially continuous service under a veterans readjustment appointment shall be converted to career-conditional or career employment. An employee converted under this paragraph shall automatically acquire a competitive status.

(g) In selecting an applicant for appointment under this section, an agency shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 2. (a) A person eligible for appointment under section 1 of this order may be appointed only within one year after his separation from the armed forces, or one year following his release from hospitalization or treatment immediately following his separation from the armed forces, or one year after involuntary separation without cause from (i) a veterans readjustment appointment or (ii) a transitional appointment, or one year after the effective date of this order if he is serving under a transitional appointment.

(b) The Office of Personnel Management may determine the circumstances under which service under a transitional appointment may be deemed service under a veterans readjustment appointment for the purpose of paragraph (f) of section 1 of this order.

[Sec. 2 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 3. Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service shall also disqualify a person otherwise eligible for appointment under section 1 of this order.

SEC. 4. For the purpose of this order:

(a) "agency" means a military department as defined in section 102 of title 5, United States Code, an executive agency (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service; and

(b) "Vietnam era" means the period beginning August 5, 1964, and ending on such date thereafter as may be determined by Presidential proclamation or concurrent resolution of the Congress.

SEC. 5. The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the provisions of this order.

[Sec. 5 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 6. Executive Order No. 11397 of February 9, 1968, is revoked. Such revocation shall not affect the right of an employee to be converted to career-conditional or career employment if he meets the require-

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ments of section 1(d) of Executive Order No. 11397,¹ after the effective date of this order.

SEC. 7. This order is effective 14 days after its date.

Executive Order 11762—Delegating to the Administrator of Veterans' Affairs certain authority relating to grants-in-aid to the Republic of the Philippines for medical care and treatment of veterans

SOURCE: The provisions of Executive Order 11762 of Jan. 17, 1974, appear at 39 FR 2347, 3 CFR, 1971-1975 Comp., p. 846, unless otherwise noted.

By virtue of the authority vested in me by section 633 of title 38 and by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b) and (c) of this section, the Administrator of Veterans' Affairs is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by sections 631, 632, 633, and 634 of title 38 of the United States Code, as amended by section 107(a) of the Veterans Health Care Expansion Act of 1973 (Public Law 93-82; 87 Stat. 184).

¹ EDITORIAL NOTE: The provisions of section 1 of Executive Order 11397 of Feb. 9, 1968, 33 FR 2833, 3 CFR, 1966-1970 Comp., p. 712, are as follows:

SECTION 1. (a) Under such regulations as the Civil Service Commission may prescribe, the head of an agency may make an excepted appointment (to be known as a "transitional appointment") to any position in the competitive service at GS-5 or below, or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108 (1), (2) of title 5, United States Code, who:

(1) served on active duty in the armed forces of the United States during the Vietnam era;

(2) at the time of his appointment has completed less than one year of education beyond graduation from high school, or the equivalent thereof; and

(3) is found qualified to perform the duties of the position.

(b) An employee given a transitional appointment under paragraph (a) of this section serves subject to:

(1) the satisfactory performance of assigned duties; and

(2) the satisfactory completion, within such reasonable time as is prescribed in the regulations of the Civil Service Commission, of not less than one school year of full-time approved education or training, or the equivalent thereof, except that two school years of full-time approved education or training, or the equivalent thereof, shall be required when an employee has not completed high school, or the equivalent thereof, by virtue of that education or training.

(c) An employee who does not satisfactorily meet the conditions set forth in paragraph (b) of this section shall be removed in accordance with appropriate procedures.

(d) An employee who satisfactorily meets the conditions set forth in paragraph (b) of this section and who has completed not less than one year of current continuous employment under a transitional appointment shall, in accordance with the regulations of the Civil Service Commission, be converted to career-conditional or career employment when he furnishes his employing agency proof of the satisfactory completion of the required education or training. An employee converted under this paragraph shall automatically acquire a competitive status.

(e) In selecting an applicant for appointment under this section, an agency head shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

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(b) The Secretary of State shall negotiate the agreement, and any modifications thereby with the Republic of the Philippines required by the provisions of sections 631, 632, 633, and 634 of title 38 of the United States Code.

(c) All rules and regulations prescribed by the Administrator pursuant to the authority delegated to him by this order shall be subject to prior approval by the Director of the Office of Management and Budget.

SEC. 2. Nothing in this order shall be construed as modifying or terminating any other authority heretofore delegated by the President to the Administrator of Veterans' Affairs.

Executive Order 12020—Payment of educational benefits to veterans and dependents when schools are temporarily closed to conserve energy

SOURCE: The provisions of Executive Order 12020 of Nov. 8, 1977, appear at 42 FR 58509, 3 CFR, 1977 Comp., p. 154, unless otherwise noted.

By virtue of the authority vested in me by clause (A) of Section 1780(a) of Title 38 of the United States Code, and as President of the United States of America, in order to establish a national policy in regard to payment of educational benefits to veterans and their dependents during periods in which schools are closed to conserve energy, it is hereby ordered as follows:

SECTION 1. Whenever an educational institution submits evidence which satisfies the Administrator of Veterans' Affairs that energy consumption will be abnormally high during the winter months or that available energy supplies will be inadequate to meet the needs of the school, and that, in the interest of energy conservation, the institution plans to close between semesters or terms for a period not to exceed 45 days, the Administrator may continue to pay monthly educational assistance benefits to veterans and eligible persons enrolled in such schools. Such authority may be exercised only once during any 12-month period with respect to any educational institution.

SEC. 2. The Administrator shall advise veterans and other eligible persons of the effect of accepting educational assistance benefits under the provisions of Section 1 of this Order on their period of entitlement.

Executive Order 12436—Payment of certain benefits to survivors of persons who died in or as a result of military service

SOURCE: The provisions of Executive Order 12436 of July 29, 1983, appear at 48 FR 34931, 3 CFR, 1983 Comp., p. 203, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 156 of Public Law 97-377 (96 Stat. 1920; 42 U.S.C. 402 note), in order to provide certain benefits to the surviving spouses and children of certain persons who died in or as a result of military service, it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs is designated to administer the provisions of Section 156 of Public Law 97-377.

Chapter 38—Veterans Benefits

SEC. 2. The Secretary of Health and Human Services shall provide to the Administrator of Veterans' Affairs such information and such technical assistance as the Administrator may reasonably require to discharge his responsibilities under Section 156. The Administrator of Veterans' Affairs shall reimburse the Department of Health and Human Services for all expenses it incurs in providing such information and technical assistance to the Veterans' Administration. Such expenses shall be paid from the Veterans' Administration account described in Section 3 of this Order.

SEC. 3. During fiscal year 1983 and each succeeding fiscal year, the Secretary of Defense shall transfer, from time to time, from the "Retired Pay, Defense" account of the Department of Defense to an account established in the Veterans' Administration, such amounts as the Administrator of Veterans' Affairs determines to be necessary to pay the benefits authorized by Section 156 during fiscal year 1983 and each succeeding fiscal year, and the expenses incurred by the Veterans' Administration in paying such benefits during fiscal year 1983 and each succeeding fiscal year. Such transfers shall, to the extent feasible, be made in advance of the payment of benefits and expenses by the Veterans' Administration.

SEC. 4. This Order shall be effective as of January 1, 1983.

CHAPTER 39—POSTAL SERVICE

Executive Orders

11570 Providing for the regulation of conduct for the Postal Rate Commission and its employees

Executive Order 11570—Providing for the regulation of conduct for the Postal Rate Commission and its employees

SOURCE: The provisions of Executive Order 11570 of Nov. 24, 1970, appear at 35 FR 18183, 3 CFR, 1966-1970 Comp., p. 981, unless otherwise noted.

Under the Postal Reorganization Act (Public Law 91-375), the Postal Rate Commission (referred to hereafter as the "Commission") is charged with the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail. It is essential to public confidence in the United States Postal Service that the activities, procedures, decisions, and recommendations of the Commission be impartial and disinterested and free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance.

NOW THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3, and Section 7301 of Title 5, United States Code, and the Postal Reorganization Act, it is hereby ordered as follows:

SECTION 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and Part 735 of the regulations of the Office of Personnel Management (5 CFR Part 735).

Sec. 102. The Office of Personnel Management shall prepare initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a desi, nat-

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ed official of the Commission and the Director of the Office of Personnel Management

(b) strict control of *ex parte* contacts with the Commission and Commissioners or employees of the Commission regarding particular matters at issue in contested proceedings before the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully identify the individuals involved and the nature of the subject matter discussed; and

(c) prohibition against the receipt of honoraria, travel expenses, entertainment, gifts, loans, favors, or anything of value by a Commissioner or employee of the Commission from an individual (other than one having a close family or personal relationship) or organization having or likely to have, business with the Commission.

SEC. 103. The Office of Personnel Management shall issue the initial standards of conduct regulations applicable to the Commission not later than 120 days after the effective date of this Order. Thereafter, the Commission may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the FEDERAL REGISTER.

[EO 11570 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp. 264]

CHAPTER 40—PROTECTION OF ENVIRONMENT

Executive Orders

- 11472 Establishing the Cabinet Committee on the Environment and the Citizens' Advisory Committee on Environmental Quality
- 11514 Protection and enhancement of environmental quality
- 11628 Establishing a seal for the Environmental Protection Agency
- 11735 Assignment of functions under section 311 of the Federal Water Pollution Control Act, as amended
- 11738 Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans
- 11987 Exotic organisms
- 11988 Floodplain management
- 11990 Protection of wetlands
- 12088 Federal compliance with pollution control standards
- 12114 Environmental effects abroad of major Federal actions
- 12123 Offshore oil spill pollution
- 12418 Transfer of functions relating to financial responsibility of vessels for pollution liability
- 12580 Superfund implementation

Executive Order 11472—Establishing the Cabinet Committee on the Environment and the Citizens' Advisory Committee on Environmental Quality

SOURCE: The provisions of Executive Order 11472 of May 29, 1969, appear at 34 FR 8693, 3 CFR, 1966-1970 Comp., p. 792, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. CABINET COMMITTEE ON THE ENVIRONMENT

SECTION 101. *Establishment of the Cabinet Committee.* [Terminated] ¹

¹ EDITORIAL NOTE: The Cabinet Committee on the Environment was terminated and its functions transferred to the Domestic Council by Executive Order 11541 of July 1,

(Continued)

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SEC. 102. *Functions of the Cabinet Committee.* (1) The Committee shall advise and assist the President with respect to all matters of national quality and shall perform such other functions as the President may from time to time prescribe. In carrying out its functions, the Cabinet Committee is directed to:

(1) Recommend measures to ensure that Federal programs, including those for development and conservation, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for predicting environmental changes so as to achieve efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, local governments, and private organizations in carrying out such programs.

(4) Seek advancement of scientific knowledge of the environment and encourage the development of technology to minimize adverse effects that endanger man's health.

(5) Stimulate public and private participation in efforts to protect against pollution of the Nation's air, water, and its living resources.

(6) Encourage timely public disclosure by all Federal agencies and by private parties of plans that would affect the environment.

(7) Assure assessment of new and changing technological effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Cabinet Committee shall review plans and programs of Federal agencies affecting outdoor recreation and natural beauty. The Committee may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions, the Cabinet Committee shall, as far as may be practicable, coordinate with Federal agencies with respect to the effect of their programs on recreation and natural beauty, and shall advise such agencies ways to accomplish the purposes of this order. Plans and programs may include, but are not limited to, those for or affecting: (1) Development, restoration, and protection of the beauty of the countryside, urban and suburban areas, and resources, wild rivers, scenic roads, parkways and scenic areas, (2) protection and appropriate management of scenic areas, (3) natural wonders, historic sites, and recreation areas, (4) management of Federal land and water resources, including fish and wildlife, (5) enhance natural beauty and recreational opportunities, (6) other essential uses, (7) cooperation with the States and local governments, (8) divisions and private organizations and individuals having a direct interest, (9) interstate arrangements, including Federal and State cooperation.

1970, Chapter 34, p. 690. Executive Order 12045 of Mar. 27, 1970, effected the abolition of the Domestic Council on Mar. 26, 1970, and the transfer of all functions of the Council, as provided by Reorganization Order No. 1, 1977, 42 FR 56101, 3 CFR, 1977 Comp., p. 197, effective April 1, 1977. Policy Staff.

Executive Orders

Chapter 40—Protection of Environment

a) The Cabinet Com-
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78, Chapter 3, p. 24, et
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1978, to the Domestic

where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

[Sec. 102 amended by EO 11514 of Mar. 5, 1970, 35 FR 4247, 3 CFR, 1966-1970 Comp., p. 902]

SEC. 103. *Coordination.* [Terminated]

SEC. 104. *Assistance for the Cabinet Committee.* [Terminated]

PART II. [REVOKED]

[Part II revoked by EO 12007 of Aug. 22, 1977, 42 FR 42839, 3 CFR, 1977 Comp., p. 139]

PART III. GENERAL PROVISIONS

SEC. 301. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 302. *Prior bodies and orders.* The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

- (1) Executive Order No. 11278 of May 4, 1966.
- (2) Executive Order No. 11359A of June 29, 1967.
- (3) Executive Order No. 11402 of March 29, 1968.

Executive Order 11514—Protection and enhancement of environmental quality

SOURCE: The provisions of Executive Order 11514 of Mar. 5, 1970, appear at 35 FR 4247, 3 CFR, 1966-1970, Comp., p. 902, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

- (a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish

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other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

(g) In carrying out their responsibilities under the Act and this Order, comply with the regulations issued by the Council except where such compliance would be inconsistent with statutory requirements.

[Sec. 2 amended by EO 11991 of May 24, 1977, 42 FR 26967, 3 CFR, 1977 Comp. 123]

SEC. 3. Responsibilities of Council on Environmental Quality. The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

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(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for the enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue regulations to Federal agencies for the implementation of the procedural provisions of the Act (42 U.S.C. 4332(2)). Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

[Sec. 3 amended by EO 11991 of May 24, 1977, 42 FR 26967, 3 CFR, 1977 Comp., p. 123]

SEC. 4. *Amendments of E.O. 11472.*

[Sec. 4 amends EO 11472 of May 29, 1969, this chapter, p. 793. The amendments have been incorporated into that order.]

Executive Order 11628—Establishing a seal for the Environmental Protection Agency

SOURCE: The provisions of Executive Order 11628 of Oct. 18, 1971, appear at 36 FR 20285, 3 CFR, 1971-1975 Comp., p. 628, unless otherwise noted.

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The Administrator of the Environmental Protection Agency has caused to be made, and has recommended that I approve, a seal for the Environmental Protection Agency, the design of which accompanies this order and is hereby made a part of this order, and which is described as follows:

A flower with a bloom which is symbolic of all the elements of the environment. The bloom is a sphere, the component parts of which represent the blue sky, green earth, blue-green water. A white circle within the sphere denotes either the sun or the moon. All are symbols of a clean environment and are superimposed on a disc with a white background, circled by the title "UNITED STATES ENVIRONMENTAL PROTECTION AGENCY" in blue letters.

It appears that such seal is of suitable design and appropriate for adoption as the official seal of the Environmental Protection Agency.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Environmental Protection Agency.

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 11628, is printed in 3 CFR, 1971-1975 Comp., p. 628.

Executive Order 11735—Assignment of functions under section 311 of the Federal Water Pollution Control Act, as amended

SOURCE: The provisions of Executive Order 11735 of Aug. 3, 1973, appear at 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793, unless otherwise noted.

By virtue of the authority vested in me by section 311 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500; 86 Stat. 816 at 862; 33 U.S.C. 1321), hereinafter referred to as the act, by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Administrator of the Environmental Protection Agency* The Administrator of the Environmental Protection Agency is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) the authority of the President under subsections (b)(3) and (b)(4) of section 311 of the act relating to the determination of those quantities of oil and hazardous substances the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States and those which will not be harmful;

(2) the authority of the President under subsection (c)(2)(G) of section 311 of the act, relating to identification of dispersants and other chemicals to be used;

(3) the authority of the President under subsection (e) of section 311 of the act, relating to determinations of imminent and substantial threats because of actual or threatened discharges of oil or hazardous substances from non-transportation-related onshore and offshore facilities and relating to securing relief necessary to abate such actual or threatened discharges through court action; and

(4) the authority of the President under subsection (j)(1)(C) of section 311 of the act, relating to the establishment of procedures, methods, and

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equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from non-transportation-related onshore and offshore facilities, and to contain such discharges.

SEC. 2. Secretary of Department in which the Coast Guard is Operating. The Secretary of the Department in which the Coast Guard is operating is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) the authority of the President under subsection (e) of section 311 of the act, relating to determinations of imminent and substantial threat because of actual or threatened discharges of oil or hazardous substances from transportation-related onshore and offshore facilities, and relating to securing relief necessary to abate such actual or threatened discharges through court action;

(2) the authority of the President under subsection (j)(1)(C) of section 311 of the act, relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and transportation-related onshore and offshore facilities, and to contain such discharges;

(3) the authority of the President under subsection (j)(1)(D) of section 311 of the act, relating to the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes;

(4) the authority to administer the revolving fund established pursuant to subsection (k) of section 311 of the act; and

(5) the authority under subsection (m) of section 311 of the act, relating to the boarding and inspection of vessels, the arrest of persons violating section 311, and the execution of warrants or other process pursuant to that section.

(6) the authority of the President under subsection (p)(1) of section 311 of the act, relating to the issuance of regulations governing evidence of financial responsibility for vessels to meet liability to the United States; and

(7) the authority under subsection (p)(2) of section 311 of the act, relating to the administration of subsection (p).

[Sec. 2 amended by EO 12418 of May 5, 1983, 48 FR 20891, 3 CFR, 1983 Comp., p. 187]

SEC. 3. [Reserved]

[Sec. 3 reserved by EO 12418 of May 5, 1983, 48 FR 20891, 3 CFR, 1983 Comp., p. 187]

SEC. 4. Council on Environmental Quality. The Council on Environmental Quality is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority under subsection (c)(2) of section 311 of the act, providing for the preparation, publication, revision or amendment of a National Contingency Plan for the removal of oil and hazardous substance discharges (hereinafter referred to as the National Contingency Plan).

SEC. 5. Other Assignments.

(a) The head of each Federal department and agency having responsibilities under the National Contingency Plan (40 C.F.R. Part 300), as now or hereafter amended, is designated and empowered to exercise, without the approval, ratification, or other action of the President, in accordance with that Plan, the authority under Section 311(c)(1) of the Act (33 U.S.C. 1321(c)(1)), relating to the removal of oil and hazardous substances that have been discharged, or for which there is a substantial

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threat of discharge, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).

[Sec. 5 amended by EO 12418 of May 5, 1983, 48 FR 20891, 3 CFR, 1983 Comp., p. 187]

(b) The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters and areas for which each has responsibility for providing or furnishing on-scene-coordinators under the National Contingency Plan, are designated and empowered to exercise, without approval, ratification, or other action of the President, the following:

(1) the authority under subsection (c)(2)(C) of section 311 of the act, relating to the determination of major ports for establishment of emergency task forces;

(2) the authority under subsection (d) of section 311 of the act, relating to the coordination and direction of the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels;

(3) the authority of the President under subsection (j)(1)(A) of section 311 of the act, relating to the establishment of methods and procedures for the removal of discharged oil and hazardous substances; and

(4) the authority of the President under subsection (j)(1)(B) of section 311 of the act, relating to the establishment of criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans.

(c) The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating are designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under section 311(j)(2) with respect to assessing and compromising civil penalties in connection with enforcement of the respective regulations issued by each pursuant to this order.

SEC. 6. *Consultation.* Authorities and functions delegated or assigned by this order shall be exercised subject to consultation with the Secretaries of departments and the heads of agencies with operating or regulatory responsibilities which may be significantly affected.

SEC. 7. *Agency to Receive Notices of Discharges of Oil or Hazardous Substances.* The Coast Guard is hereby designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil or hazardous substances required by subsection (b)(5) of section 311 of the act. The Commandant of the Coast Guard shall issue regulations implementing this designation.

SEC. 8. Without derogating from any action heretofore taken thereunder, Executive Order No. 11548 of July 20, 1970, is hereby superseded.

Chapter 40—Protection of Environment

Executive Order 11738—Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans

SOURCE: The provisions of Executive Order 11738 of Sept. 10, 1973, appear at 38 FR 25161, 3 CFR, 1971-1975 Comp., p. 799, unless otherwise noted.

By virtue of the authority vested in me by the provisions of the Clean Air Act, as added by the Clean Air Amendments of 1970 (Public Law 91-604), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), particularly section 508 of that Act as added by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), it is hereby ordered as follows:

SECTION 1. Policy. It is the policy of the Federal Government to improve and enhance environmental quality. In furtherance of that policy, the program prescribed in this Order is instituted to assure that each Federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each Federal agency empowered to extend Federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act (hereinafter referred to as "the Air Act") and the Federal Water Pollution Control Act (hereinafter referred to as "the Water Act").

SEC. 2. Designation of Facilities. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as "the Administrator") shall be responsible for the attainment of the purposes and objectives of this Order.

(b) In carrying out his responsibilities under this Order, the Administrator shall, in conformity with all applicable requirements of law, designate facilities which have given rise to a conviction for an offense under section 113(c)(1) of the Air Act or section 309(c) of the Water Act. The Administrator shall, from time to time, publish and circulate to all Federal agencies lists of those facilities, together with the names and addresses of the persons who have been convicted of such offenses. Whenever the Administrator determines that the condition which gave rise to a conviction has been corrected, he shall promptly remove the facility and the name and address of the person concerned from the list.

SEC. 3. Contracts, Grants, or Loans. (a) Except as provided in section 8 of this Order, no Federal agency shall enter into any contract for the procurement of goods, materials, or services which is to be performed in whole or in part in a facility then designated by the Administrator pursuant to section 2.

(b) Except as provided in section 8 of this Order, no Federal agency authorized to extend Federal assistance by way of grant, loan, or contract shall extend such assistance in any case in which it is to be used to support any activity or program involving the use of a facility then designated by the Administrator pursuant to section 2.

SEC. 4. Procurement, Grant, and Loan Regulations. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and, to the extent necessary, any supplemental or comparable regulations issued by any agency of the Executive Branch shall, following consultation with the Administrator, be amended to require, as a condition of entering into, renewing, or extending any contract for the pro-

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curement of goods, materials, or services or extending any assistance by way of grant, loan, or contract, inclusion of a provision requiring compliance with the Air Act, the Water Act, and standards issued pursuant thereto in the facilities in which the contract is to be performed, or which are involved in the activity or program to receive assistance.

SEC. 5. *Rules and Regulations.* The Administrator shall issue such rules, regulations, standards, and guidelines as he may deem necessary or appropriate to carry out the purposes of this Order.

SEC. 6. *Cooperation and Assistance.* The head of each Federal agency shall take such steps as may be necessary to insure that all officers and employees of his agency whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the provisions of this Order. In addition to any other appropriate action, such officers and employees shall report promptly any condition in a facility which may involve noncompliance with the Air Act or the Water Act or any rules, regulations, standards, or guidelines issued pursuant to this Order to the head of the agency, who shall transmit such reports to the Administrator.

SEC. 7. *Enforcement.* The Administrator may recommend to the Department of Justice or other appropriate agency that legal proceedings be brought or other appropriate action be taken whenever he becomes aware of a breach of any provision required, under the amendments issued pursuant to section 4 of this Order, to be included in a contract or other agreement.

SEC. 8. *Exemptions—Reports to Congress.* (a) Upon a determination that the paramount interest of the United States so requires—

(1) The head of a Federal agency may exempt any contract, grant, or loan, and, following consultation with the Administrator, any class of contracts, grants or loans from the provisions of this Order. In any such case, the head of the Federal agency granting such exemption shall (A) promptly notify the Administrator of such exemption and the justification therefor; (B) review the necessity for each such exemption annually; and (C) report to the Administrator annually all such exemptions in effect. Exemptions granted pursuant to this section shall be for a period not to exceed one year. Additional exemptions may be granted for periods not to exceed one year upon the making of a new determination by the head of the Federal agency concerned.

(2) The Administrator may, by rule or regulation, exempt any or all Federal agencies from any or all of the provisions of this Order with respect to any class or classes of contracts, grants, or loans, which (A) involve less than specified dollar amounts, or (B) have a minimal potential impact upon the environment, or (C) involve persons who are not prime contractors or direct recipients of Federal assistance by way of contracts, grants, or loans.

(b) Federal agencies shall reconsider any exemption granted under subsection (a) whenever requested to do so by the Administrator.

(c) The Administrator shall annually notify the President and the Congress of all exemptions granted, or in effect, under this Order during the preceding year.

SEC. 9. *Related Actions.* The imposition of any sanction or penalty under or pursuant to this Order shall not relieve any person of any legal duty to comply with any provisions of the Air Act or the Water Act.

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SEC. 10. *Applicability.* This Order shall not apply to contracts, grants, or loans involving the use of facilities located outside the United States.

SEC. 11. *Uniformity.* Rules, regulations, standards, and guidelines issued pursuant to this order and section 508 of the Water Act shall, to the maximum extent feasible, be uniform with regulations issued pursuant to this order, Executive Order No. 11602 of June 29, 1971, and section 306 of the Air Act.

SEC. 12. *Order Superseded.* Executive Order No. 11602 of June 29, 1971, is hereby superseded.

Executive Order 11987—Exotic organisms

SOURCE: The provisions of Executive Order 11987 of May 24, 1977, appear at 42 FR 26949, 3 CFR, 1977 Comp., p. 116, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purposes and policies of the Lacey Act (18 U.S.C. 42) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), it is hereby ordered as follows:

SECTION 1. As used in this Order:

(a) "United States" means all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(b) "Introduction" means the release, escape, or establishment of an exotic species into a natural ecosystem.

(c) "Exotic species" means all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

(d) "Native species" means all species of plants and animals naturally occurring, either presently or historically, in any ecosystem of the United States.

SEC. 2. (a) Executive agencies shall, to the extent permitted by law, restrict the introduction of exotic species into the natural ecosystems on lands and waters which they own, lease, or hold for purposes of administration; and, shall encourage the States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States.

(b) Executive agencies, to the extent they have been authorized by statute to restrict the importation of exotic species, shall restrict the introduction of exotic species into any natural ecosystem of the United States.

(c) Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur.

(d) This Order does not apply to the introduction of any exotic species, or the export of any native species, if the Secretary of Agriculture or the Secretary of the Interior finds that such introduction or exportation will not have an adverse effect on natural ecosystems.

SEC. 3. The Secretary of the Interior, in consultation with the Secretary of Agriculture and the heads of other appropriate agencies, shall

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develop and implement, by rule or regulation, a system to standardize and simplify the requirements, procedures and other activities appropriate for implementing the provisions of this Order. The Secretary of the Interior shall ensure that such rules or regulations are in accord with the performance by other agencies of those functions vested by law, including this Order, in such agencies.

Executive Order 11988—Floodplain management

SOURCE: The provisions of Executive Order 11988 of May 24, 1977, appear at 42 FR 26951, 3 CFR, 1977 Comp., p. 117, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands, and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

SEC. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a) (1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2) (C) of the National Environmental Policy Act. This Determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible develop-

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ment in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council,¹ and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Director of the Federal Emergency

¹ EDITORIAL NOTE: Inactive as of Oct. 1, 1982.

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Management Agency, and the Council on Environmental Quality, and shall update such procedures as necessary.

[Sec. 2 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

SEC. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

SEC. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

SEC. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

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(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

SEC. 7. Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

SEC. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 9. To the extent the provisions of section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Executive Order 11990—Protection of wetlands

SOURCE: The provisions of Executive Order 11990 of May 24, 1977, appear at 42 FR 26961, 3 CFR, 1977 Comp., p. 121, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

SEC. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each

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agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

SEC. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, in addition to the proposed action, whether the action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

SEC. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such property from disposal.

SEC. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, aquifer recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

SEC. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent practicable, existing processes, such as those of the Council on Environmental Quality, shall be utilized to fulfill the requirements of this Order.

[Sec. 6 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 100]

SEC. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "executive agency" in Section 105 of Title 5 of the United States Code. It shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or adjacent to wetlands.

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(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

SEC. 8. This Order does not apply to projects presently under construction or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

SEC. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

SEC. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Executive Order 12088—Federal compliance with pollution control standards

SOURCE: The provisions of Executive Order 12088 of Oct. 13, 1978, appear at 43 FR 47707, 3 CFR, 1978 Comp., p. 243, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 22 of the Toxic Substances Control Act (15 U.S.C. 2621), Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), Section 1447 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j-6), Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418(b)), Section 4 of the Noise Control Act of 1972 (42 U.S.C. 4903), Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), and Section 301 of Title 3 of the United States Code, and to ensure Federal compliance with applicable pollution control standards, it is hereby ordered as follows:

1-1. *Applicability of Pollution Control Standards.*

1-101. The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency.

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1-102. The head of each Executive agency is responsible for compliance with applicable pollution control standards, including those established pursuant to, but not limited to, the following:

(a) Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).
(b) Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*).

(c) Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).

(d) Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

(e) Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*).

(f) Solid Waste Disposal Act, as amended (42 U.S.C. 6901 *et seq.*).

(g) Radiation guidance pursuant to Section 274(h) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(h); see also, the Radiation Protection Guidance to Federal Agencies for Diagnostic X Ray approved by the President on January 26, 1978 and published at page 4377 of the FEDERAL REGISTER on February 1, 1978).

(h) Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401, 1402, 1411-1421, 1441-1444 and 16 U.S.C. 1431-1434).

(i) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*).

1-103. "Applicable pollution control standards" means the same substantive, procedural, and other requirements that would apply to a private person.

1-2. Agency Coordination.

1-201. Each Executive agency shall cooperate with the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator, and State, interstate, and local agencies in the prevention, control, and abatement of environmental pollution.

1-202. Each Executive agency shall consult with the Administrator and with State, interstate, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

1-3. Technical Advice and Oversight.

1-301. The Administrator shall provide technical advice and assistance to Executive agencies in order to ensure their cost effective and timely compliance with applicable pollution control standards.

1-302. The Administrator shall conduct such reviews and inspections as may be necessary to monitor compliance with applicable pollution control standards by Federal facilities and activities.

1-4. Pollution Control Plan.

1-401. Each Executive agency shall submit to the Director of the Office of Management and Budget, through the Administrator, an annual plan for the control of environmental pollution. The plan shall provide for any necessary improvement in the design, construction, management, operation, and maintenance of Federal facilities and activities, and shall include annual cost estimates. The Administrator shall establish guidelines for developing such plans.

1-402. In preparing its plan, each Executive agency shall ensure that the plan provides for compliance with all applicable pollution control standards.

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1-403. The plan shall be submitted in accordance with any other instructions that the Director of the Office of Management and Budget may issue.

1-5. *Funding.*

1-501. The head of each Executive agency shall ensure that sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.

1-502. The head of each Executive agency shall ensure that funds appropriated and apportioned for the prevention, control and abatement of environmental pollution are not used for any other purpose unless permitted by law and specifically approved by the Office of Management and Budget.

1-6. *Compliance With Pollution Controls.*

1-601. Whenever the Administrator or the appropriate State, interstate, or local agency notifies an Executive agency that it is in violation of an applicable pollution control standard (see Section 1-102 of this Order), the Executive agency shall promptly consult with the notifying agency and provide for its approval a plan to achieve and maintain compliance with the applicable pollution control standard. This plan shall include an implementation schedule for coming into compliance as soon as practicable.

1-602. The Administrator shall make every effort to resolve conflicts regarding such violation between Executive agencies and, on request of any party, such conflicts between an Executive agency and a State, interstate, or a local agency. If the Administrator cannot resolve a conflict, the Administrator shall request the Director of the Office of Management and Budget to resolve the conflict.

1-603. The Director of the Office of Management and Budget shall consider unresolved conflicts at the request of the Administrator. The Director shall seek the Administrator's technological judgment and determination with regard to the applicability of statutes and regulations.

1-604. These conflict resolution procedures are in addition to, not in lieu of, other procedures, including sanctions, for the enforcement of applicable pollution control standards.

1-605. Except as expressly provided by a Presidential exemption under this Order, nothing in this Order, nor any action or inaction under this Order, shall be construed to revise or modify any applicable pollution control standard.

1-7. *Limitation on Exemptions.*

1-701. Exemptions from applicable pollution control standards may only be granted under statutes cited in Section 1-102(a) through 1-102(f) if the President makes the required appropriate statutory determination: that such exemption is necessary (a) in the interest of national security, or (b) in the paramount interest of the United States.

1-702. The head of an Executive agency may, from time to time, recommend to the President through the Director of the Office of Management and Budget, that an activity or facility, or uses thereof, be exempt from an applicable pollution control standard.

1-703. The Administrator shall advise the President, through the Director of the Office of Management and Budget, whether he agrees or

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disagrees with a recommendation for exemption and his reasons therefor.

1-704. The Director of the Office of Management and Budget must advise the President within sixty days of receipt of the Administrator's views.

1-8. General Provisions.

1-801. The head of each Executive agency that is responsible for the construction or operation of Federal facilities outside the United States shall ensure that such construction or operation complies with the environmental pollution control standards of general applicability in the host country or jurisdiction.

1-802. Nothing in this Order shall create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

1-803. Executive Order No. 11752 of December 17, 1973, is revoked.

[Sec. 1-8 amended by EO 12580 of Jan. 23, 1987, 52 FR 2923, 3 CFR, 1987 Comp., p. 193]

Executive Order 12114—Environmental effects abroad of major Federal actions

SOURCE: The provisions of Executive Order 12114 of Jan. 4, 1979, appear at 44 FR 1957, 3 CFR, 1979 Comp., p. 356, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and the laws of the United States, and as President of the United States, in order to further environmental objectives consistent with the foreign policy and national security policy of the United States, it is ordered as follows:

SECTION 1

1-1. *Purpose and Scope.* The purpose of this Executive Order is to enable responsible officials of Federal agencies having ultimate responsibility for authorizing and approving actions encompassed by this Order to be informed of pertinent environmental considerations and to take such considerations into account, with other pertinent considerations of national policy, in making decisions regarding such actions. While based on independent authority, this Order furthers the purpose of the National Environmental Policy Act and the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act consistent with the foreign policy and national security policy of the United States, and represents the United States government's exclusive and complete determination of the procedural and other actions to be taken by Federal agencies to further the purpose of the National Environmental Policy Act, with respect to the environment outside the United States, its territories and possessions.

SECTION 2

2-1. *Agency Procedures.* Every Federal agency taking major Federal actions encompassed hereby and not exempted herefrom having significant effects on the environment outside the geographical borders of the

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United States and its territories and possessions shall within eight months after the effective date of this Order have in effect procedures to implement this Order. Agencies shall consult with the Department of State and the Council on Environmental Quality concerning such procedures prior to placing them in effect.

2-2. *Information Exchange.* To assist in effectuating the foregoing purpose, the Department of State and the Council on Environmental Quality in collaboration with other interested Federal agencies and other nations shall conduct a program for exchange on a continuing basis of information concerning the environment. The objectives of this program shall be to provide information for use by decisionmakers, to heighten awareness of and interest in environmental concerns and, as appropriate, to facilitate environmental cooperation with foreign nations.

2-3. *Actions Included.* Agencies in their procedures under Section 2-1 shall establish procedures by which their officers having ultimate responsibility for authority and approving actions in one of the following categories encompassed by this Order, take into consideration in making decisions concerning such actions, a document described in Section 2-4(a):

(a) major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica);

(b) major Federal actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action;

(c) major Federal actions significantly affecting the environment of a foreign nation which provide to that nation:

(1) a product, or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk; or

(2) a physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

(d) major Federal actions outside the United States, its territories and possessions which significantly affect natural or ecological resources of global importance designated for protection under this subsection by the President, or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State. Recommendations to the President under this subsection shall be accompanied by the views of the Council on Environmental Quality and the Secretary of State.

2-4. *Applicable Procedures.* (a) There are the following types of documents to be used in connection with actions described in Section 2-3:

(i) environmental impact statements (including generic, program and specific statements);

(ii) bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States and one or more foreign nations, or by an international body or organization in which the United States is a member or participant; or

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(iii) concise reviews of the environmental issues involved, including environmental assessments, summary environmental analyses or other appropriate documents.

(b) Agencies shall in their procedures provide for preparation of documents described in Section 2-4(a), with respect to actions described in Section 2-3, as follows:

(i) for effects described in Section 2-3(a), an environmental impact statement described in Section 2-4(a)(i);

(ii) for effects described in Section 2-3(b), a document described in Section 2-4(a)(ii) or (iii), as determined by the agency;

(iii) for effects described in Section 2-3(c), a document described in Section 2-4(a)(ii) or (iii), as determined by the agency;

(iv) for effects described in Section 2-3(d), a document described in Section 2-4(a)(i), (ii) or (iii), as determined by the agency.

Such procedures may provide that an agency need not prepare a new document when a document described in Section 2-4(a) already exists.

(c) Nothing in this Order shall serve to invalidate any existing regulations of any agency which have been adopted pursuant to court order or pursuant to judicial settlement of any case or to prevent any agency from providing in its procedures for measures in addition to those provided for herein to further the purpose of the National Environmental Policy Act and other environmental laws, including the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act, consistent with the foreign and national security policies of the United States.

(d) Except as provided in Section 2-5(b), agencies taking action encompassed by this Order shall, as soon as feasible, inform other Federal agencies with relevant expertise of the availability of environmental documents prepared under this Order.

Agencies in their procedures under Section 2-1 shall make appropriate provision for determining when an affected nation shall be informed in accordance with Section 3-2 of this Order of the availability of environmental documents prepared pursuant to those procedures.

In order to avoid duplication of resources, agencies in their procedures shall provide for appropriate utilization of the resources of other Federal agencies with relevant environmental jurisdiction or expertise.

2-5. Exemptions and Considerations. (a) Notwithstanding Section 2-3, the following actions are exempt from this Order:

(i) actions not having a significant effect on the environment outside the United States as determined by the agency;

(ii) actions taken by the President;

(iii) actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict;

(iv) intelligence activities and arms transfers;

(v) export licenses or permits or export approvals, and actions relating to nuclear activities except actions providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility;

(vi) votes and other actions in international conferences and organizations;

(vii) disaster and emergency relief action.

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(b) Agency procedures under Section 2-1 implementing Section 2-4 may provide for appropriate modifications in the contents, timing and availability of documents to other affected Federal agencies and affected nations, where necessary to:

- (i) enable the agency to decide and act promptly as and when required;
- (ii) avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities, or
- (iii) ensure appropriate reflection of:
 - (1) diplomatic factors;
 - (2) international commercial, competitive and export promotion factors;
 - (3) needs for governmental or commercial confidentiality;
 - (4) national security considerations;
 - (5) difficulties of obtaining information and agency ability to analyze meaningfully environmental effects of a proposed action; and
 - (6) the degree to which the agency is involved in or able to affect a decision to be made.

(c) Agency procedure under Section 2-1 may provide for categorical exclusions and for such exemptions in addition to those specified in subsection (a) of this Section as may be necessary to meet emergency circumstances, situations involving exceptional foreign policy and national security sensitivities and other such special circumstances. In utilizing such additional exemptions agencies shall, as soon as feasible, consult with the Department of State and the Council on Environmental Quality.

(d) The provisions of Section 2-5 do not apply to actions described in Section 2-3(a) unless permitted by law.

SECTION 3

3-1. *Rights of Action.* This Order is solely for the purpose of establishing internal procedures for Federal agencies to consider the significant effects of their actions on the environment outside the United States, its territories and possessions, and nothing in this Order shall be construed to create a cause of action.

3-2. *Foreign Relations.* The Department of State shall coordinate all communications by agencies with foreign governments concerning environmental agreements and other arrangements in implementation of this Order.

3-3. *Multi-Agency Actions.* Where more than one Federal agency is involved in an action or program, a lead agency, as determined by the agencies involved, shall have responsibility for implementation of this Order.

3-4. *Certain Terms.* For purposes of this Order, "environment" means the natural and physical environment and excludes social, economic and other environments; and an action significantly affects the environment if it does significant harm to the environment even though on balance the agency believes the action to be beneficial to the environment. The term "export approvals" in Section 2-5(a)(v) does not mean or include direct loans to finance exports.

3-5. *Multiple Impacts.* If a major Federal action having effects on the environment of the United States or the global commons requires prep-

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aration of an environmental impact statement, and if the action also has effects on the environment of a foreign nation, an environmental impact statement need not be prepared with respect to the effects on the environment of the foreign nation.

Executive Order 12123—Offshore oil spill pollution

SOURCE: The provisions of Executive Order 12123 of Feb. 26, 1979, appear at 44 FR 11199, 3 CFR, 1979 Comp., p. 366, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 303(b)(3), 305, and 312(a) of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 674, 675, and 684, 43 U.S.C. 1813(b)(3), 1815, and 1822), relating to the Offshore Oil Spill Pollution Fund, and by Section 301 of Title 3 of the United States Code, and in order to assign certain management responsibilities related to protecting the environment from offshore oil spill damage, it is hereby ordered as follows:

1-1. Assertion of Oil Pollution Claims.

1-101. The authority vested in the President by Section 303(b)(3), Title III of the Outer Continental Shelf Lands Act Amendments of 1978, hereinafter referred to as the Act (92 Stat. 674, 43 U.S.C. 1813(b)(3)), is delegated to the Secretary of Commerce with respect to those natural resources which are subject to his management or control.

1-102. The authority vested in the President by Section 303(b)(3) of the Act (92 Stat. 674, 43 U.S.C. 1813(b)(3)) is delegated to the Secretary of the Interior with respect to those natural resources which are subject to his management or control.

1-2. Determination of Financial Responsibility and the Assessment and Compromise of Penalties.

The Secretary of the Department in which the Coast Guard is operating is hereby delegated the following authorities:

1-201. The authority vested in the President by Section 305(a)(1) of the Act (92 Stat. 677, 43 U.S.C. 1815(a)(1)), relating to vessels;

1-202. The authority vested in the President by Section 305(b) of the Act (92 Stat. 678, 43 U.S.C. 1815(b)), relating to offshore facilities; and

1-203. The authority vested in the President by Section 312(a)(2) of the Act (92 Stat. 684, 43 U.S.C. 1822(a)(2)), relating to the assessment and compromise of penalties concerning vessels.

[Sec. 1-2 amended by EO 12418 of May 5, 1983, 48 FR 20891, 3 CFR, 1983 Comp., p. 187]

Executive Order 12418—Transfer of functions relating to financial responsibility of vessels for pollution liability

SOURCE: The provisions of Executive Order 12418 of May 5, 1983, appear at 48 FR 20891, 3 CFR, 1983 Comp., p. 187, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, in order to transfer certain functions relating to the financial responsibility of vessels for water pollution and establish the authority of Federal agencies to respond to

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charges or substantial threats of discharges of oil and hazardous substances, it is hereby ordered as follows:

SECTION 1. [Deleted]

[Sec. 1 amends EO 11735 of Aug. 3, 1973, this chapter, p. 798. The amendments have been incorporated into that order.]

SEC. 2. [Deleted]

[Sec. 2 amends EO 12123 of Feb. 26, 1979, this chapter, p. 816. The amendments have been incorporated into that order.]

SEC. 3. [Deleted]

[Sec. 3 amended EO 12316 of Aug. 14, 1981, which was revoked by EO 12580 of Jan. 23, 1987.]

SEC. 4. The Secretary of the Department in which the Coast Guard is operating is hereby delegated the authority vested in the President by Sections 311(p) (1)–(2) of the Federal Water Pollution Control Act, as amended (86 Stat. 870, 33 U.S.C. 1321(p) (1)–(2)), as those sections are incorporated by reference in Section 204(c)(3) of the Trans-Alaska Pipeline Authorization Act of 1973 (Public Law 93–153, 87 Stat. 586, 587), relating to the demonstration of financial responsibility for vessels carrying oil loaded from the Trans-Alaska pipeline.

SEC. 5. The Director of the Office of Management and Budget shall make such determinations, issue such Orders, and take all steps necessary or appropriate to effectuate the transfer of records, property, personnel, and positions and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, as provided in this Order, from the Federal Maritime Commission to the Secretary of the Department in which the Coast Guard is operating.

SEC. 6. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred from the Federal Maritime Commission to the Secretary of the Department in which the Coast Guard is operating by the delegation made in this Order shall remain in effect until amended, modified, or revoked.

Executive Order 12580—Superfund implementation

SOURCE: The provisions of Executive Order 12580 of Jan. 23, 1987, appear at 52 FR 2923, 3 CFR, 1987 Comp., p. 193, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615 *et seq.*) ("the Act"), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *National Contingency Plan.* (a)(1) The National Contingency Plan ("the NCP"), shall provide for a National Response Team ("the NRT") composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and regional response teams as the regional counterpart to the NRT for planning and coordination of regional preparedness and response actions.

(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response

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Teams to carry out their responsibilities under the NCP: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, United States Coast Guard, and the Nuclear Regulatory Commission.

(3) Except for periods of activation because of a response action, the representative of the Environmental Protection Agency ("EPA") shall be the chairman and the representative of the United States Coast Guard shall be the vice chairman of the NRT and these agencies' representatives shall be co-chairs of the Regional Response Teams ("RRTs"). When the NRT or an RRT is activated for a response action, the chairman shall be the EPA or United States Coast Guard representative, based on whether the release or threatened release occurs in the inland or coastal zone, unless otherwise agreed upon by the EPA and United States Coast Guard representatives.

(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the States), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this Order, the NRT shall provide policy and program direction to the RRTs.

(b)(1) The responsibility for the revision of the NCP and all of the other functions vested in the President by Sections 105(a), (b), (c), and (g), 125, and 301(f) of the Act is delegated to the Administrator of the Environmental Protection Agency ("the Administrator").

(2) The function vested in the President by Section 118(p) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) ("SARA") is delegated to the Administrator.

(c) In accord with Section 107(f)(2)(A) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense;
- (2) Secretary of the Interior;
- (3) Secretary of Agriculture;
- (4) Secretary of Commerce;
- (5) Secretary of Energy.

(d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment. Revisions shall also be made in consultation with the Director of the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget ("OMB").

SEC. 2. *Response and Related Authorities.* (a) The functions vested in the President by the first sentence of Section 104(b)(1) of the Act relating to "illness, disease, or complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

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(b) The functions vested in the President by Sections 104(e)(7)(C), 113(k)(2), 119(c)(7), and 121(f)(1) of the Act, relating to promulgation of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the NRT.

(c)(1) The functions vested in the President by Sections 104(a) and the second sentence of 126(b) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(2) Subject to subsection (b) of this Section, the functions vested in the President by Sections 117(a) and (c), and 119 of the Act, to the extent such authority is needed to carry out the functions delegated under paragraph (1) of this subsection, are delegated to the Director of the Federal Emergency Management Agency.

(d) Subject to subsections (a), (b) and (c) of this Section, the functions vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretaries of Defense and Energy, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated. These functions must be exercised consistent with the requirements of Section 120 of the Act.

(c)(1) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), and 121 of the Act are delegated to the heads of Executive departments and agencies, with respect to remedial actions for releases or threatened releases which are not on the National Priorities List ("the NPL") and removal actions other than emergencies, where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated. The Administrator shall define the term "emergency", solely for the purposes of this subsection, either by regulation or by a memorandum of understanding with the head of an Executive department or agency.

(2) Subject to subsections (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(b)(2), 113(k), 117(a) and (c), and 119 of the Act are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated.

(f) Subject to subsections (a), (b), (c), (d), and (e) of this Section, the functions vested in the President by Sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating ("the Coast Guard"), with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(g) Subject to subsections (a), (b), (c), (d), (e), and (f) of this Section, the functions vested in the President by Sections 101(24), 104(a), (b), (c)(4) and (c)(9), 113(k), 117(a) and (c), 119, 121, and 126(b) of the Act

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are delegated to the Administrator. The Administrator's authority under Section 119 of the Act is retroactive to the date of enactment of SARA.

(h) The functions vested in the President by Section 104(c)(3) of the Act are delegated to the Administrator, with respect to providing assurances for Indian tribes, to be exercised in consultation with the Secretary of the Interior.

(i) Subject to subsections (d), (e), (f), (g) and (h) of this Section, the functions vested in the President by Section 104(c) and (d) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by this Section.

(j)(1) The functions vested in the President by Section 104(e)(5)(A) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, to be exercised with the concurrence of the Attorney General.

(2) Subject to subsection (b) of this Section and paragraph (1) of this subsection, the functions vested in the President by Section 104(e) are delegated to the heads of Executive departments and agencies in order to carry out their functions under this Order or the Act.

(k) The functions vested in the President by Section 104(f), (g), (h), (i)(1), and (j) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

SEC. 3. *Cleanup Schedules.* (a) The functions vested in the President by Sections 116(a) and the first two sentences of 105(d) of the Act are delegated to the heads of Executive departments and agencies with respect to facilities under the jurisdiction, custody or control of those departments and agencies.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Sections 116 and 105(d) are delegated to the Administrator.

SEC. 4. *Enforcement.* (a) The functions vested in the President by Sections 109(d) and 122(e)(3)(A) of the Act, relating to development of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(b)(1) Subject to subsection (a) of this Section, the functions vested in the President by Section 122 (except subsection (b)(1)) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(2) Subject to subsection (a) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 122 of the Act, are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not

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on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(c)(1) Subject to subsection (a) and (b)(1) of this Section, the functions vested in the President by Sections 106(a) and 122 of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(2) Subject to subsection (a) and (b)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 (a) and (b), and 122 of the Act, are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(d)(1) Subject to subsections (a), (b)(1), and (c)(1) of this Section, the functions vested in the President by Sections 106 and 122 of the Act are delegated to the Administrator.

(2) Subject to subsections (a), (b)(2), and (c)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 and 122 of the Act, are delegated to the Administrator.

(e) Notwithstanding any other provision of this Order, the authority under Sections 104(e)(5)(A) and 106(a) of the Act to seek information, entry, inspection, samples, or response actions from Executive departments and agencies may be exercised only with the concurrence of the Attorney General.

SEC. 5. *Liability.* (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f)(1) of the Act are delegated to each of the Federal trustees for natural resources designated in the NCP for resources under their trusteeship.

(e) The functions vested in the President by Section 107(f)(2)(B) of the Act, to receive notification of the state natural resource trustee designations, are delegated to the Administrator.

SEC. 6. *Litigation.* (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 113(g) of the Act, to receive notification of a natural resource trustee's intent to file suit, are delegated to the heads of Executive departments and agencies with respect to response actions for which they have been delegated

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authority under Section 2 of this Order. The Administrator shall promulgate procedural regulations for providing such notification.

(d) The functions vested in the President by Sections 310 (d) and (e) of the Act, relating to promulgation of regulations, are delegated to the Administrator.

SEC. 7. Financial Responsibility. (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b)(1) The functions vested in the President by Section 108(a)(1) of the Act are delegated to the Coast Guard.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(1) of the Act, are delegated to the Coast Guard.

(c)(1) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(a)(3) of the Act, are delegated to the Secretary of Transportation.

(3) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(b) of the Act, are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d)(1) Subject to subsection (c)(1) of this Section, the functions vested in the President by Section 108 (a)(4) and (b) of the Act are delegated to the Administrator.

(2) Subject to Section 4(a) of this Order and subsection (c)(3) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108 (a)(4) and (b) of the Act, are delegated to the Administrator.

SEC. 8. Employee Protection and Notice to Injured. (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretaries of Defense and Energy with respect to releases from facilities or vessels under the jurisdiction, custody, or control of their departments, respectively, including vessels bareboat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

SEC. 9. Management of the Hazardous Substance Superfund and Claims. (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and other applicable provisions of this Order.

(b) The Administrator shall transfer to other agencies, from the Hazardous Substance Superfund out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These amounts shall be consistent with the President's

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Budget, within the total approved by the Congress, unless a revised amount is approved by OMB. Funds appropriated specifically for the Agency for Toxic Substances and Disease Registry ("ATSDR"), shall be directly transferred to ATSDR, consistent with fiscally responsible investment of trust fund money.

(c) The Administrator shall chair a budget task force composed of representatives of Executive departments and agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit to OMB a budget for the Hazardous Substance Superfund which is based on recommended levels developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request, consistent with budgetary reporting requirements issued by OMB. The Administrator shall prescribe forms to agency task force members for reporting the expenditure of funds on a site specific basis.

(d) The Administrator and each department and agency head to whom funds are provided pursuant to this Section, with respect to funds provided to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111 of the Act.

(f) The functions vested in the President by Section 111(o) of the Act are delegated to the Administrator.

(g) The functions vested in the President by Section 117(e) of the Act are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(h) The functions vested in the President by Section 123 of the Act are delegated to the Administrator.

(i) Funds from the Hazardous Substance Superfund may be used, at the discretion of the Administrator or the Coast Guard, to pay for removal actions for releases or threatened releases from facilities or vessels under the jurisdiction, custody or control of Executive departments and agencies but must be reimbursed to the Hazardous Substance Superfund by such Executive department or agency.

SEC. 10. Federal Facilities. (a) When necessary, prior to selection of a remedial action by the Administrator under Section 120(e)(4)(A) of the Act, Executive agencies shall have the opportunity to present their views to the Administrator after using the procedures under Section 1-6 of Executive Order No. 12088 of October 13, 1978, or any other mutually acceptable process. Notwithstanding subsection 1-602 of Executive Order No. 12088, the Director of the Office of Management and Budget shall facilitate resolution of any issues.

(b) [Deleted]

[Sec. 10(b) amends EO 12088 of Oct. 13, 1978, this chapter, p. 809. The amendment has been incorporated into that order.]

SEC. 11. General Provisions. (a) The function vested in the President by Section 101(37) of the Act is delegated to the Administrator.

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(b)(1) The function vested in the President by Section 105(f) of the Act, relating to reporting on minority participation in contracts, is delegated to the Administrator.

(2) Subject to paragraph 1 of this subsection, the functions vested in the President by Section 105(f) of the Act are delegated to the heads of the Executive departments and agencies in order to carry out the functions delegated to them by this Order. Each Executive department or agency shall provide to the Administrator any requested information regarding minority contracting for inclusion in the Section 105(f) annual report.

(c) The functions vested in the President by Section 126(c) of the Act are delegated to the Administrator, to be exercised in consultation with the Secretary of the Interior.

(d) The functions vested in the President by Section 301(c) of the Act are delegated to the Secretary of the Interior.

(e) Each agency shall have authority to issue such regulations and orders as may be necessary to carry out the functions delegated to them by this Order.

(f) The performance of any function under this Order shall be in consultation with interested Federal departments and agencies represented on the NRT, as well as with any other interested Federal agency.

(g) The following functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated by the head of any Executive department or agency with his concurrence to functions set forth in Sections 2 (except subsection (b)), 3, 4(b), 4(d), 5(b), 5(c), and 8(c) of this Order.

(h) Executive Order No. 12316 of August 14, 1981, is revoked.

CHAPTER 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Executive Orders

- 10579 Regulations relating to the establishment and operation of interagency motor-vehicle pools and systems
- 10582 Prescribing uniform procedures for certain determinations under the Buy-American Act
- 10678 Administration of the functions of the Rubber Producing Facilities Disposal Commission
- 10789 Authorizing agencies of the Government to exercise certain contracting authority in connection with national-defense functions and prescribing regulations governing the exercise of such authority
- 11012 Providing for the performance of certain functions under sections 1(a) and 1(b) of the Administrative Expenses Act of 1946
- 11440 Providing for the supplemental use of exhibits and displays created in furtherance of authorized programs of executive departments and agencies
- 11672 Providing for the transfer or furnishing of property under the Postal Reorganization Act
- 11701 Employment of veterans by Federal agencies and Government contractors and subcontractors
- 12072 Federal space management
- 12073 Federal procurement in labor surplus areas
- 12261 Gasohol in Federal motor vehicles
- 12352 Federal procurement reforms
- 12411 Government work space management reforms
- 12448 Exercise of authority under section 218 of title 18, United States Code
- 12512 Federal real property management

Executive Order 10579—Regulations relating to the establishment and operation of interagency motor-vehicle pools and systems

SOURCE: The provisions of Executive Order 10579 of Nov. 30, 1954, appear at 19 FR 7925, 3 CFR, 1954-1958 Comp., p. 226, unless otherwise noted.

By virtue of the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as the Act), particularly by sections 107, 205 (a) and 211 (c) thereof, 63 Stat. 382, 389, 64 Stat. 580, and 68 Stat. 1126, and by section 202 of

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the Budget and Accounting Procedures Act of 1950 (64 Stat. 838; 31 U.S.C. 581c), and as President of the United States, I hereby prescribe the following regulations:

SECTION 1. Purpose and general policy. (a) The purpose of these regulations is to establish policies and procedures under which interagency motor-vehicle pools or systems may be established, operated, curtailed, or discontinued.

(b) The Administrator of General Services (hereinafter referred to as the Administrator) shall establish and provide for the operation of interagency motor-vehicle pools and systems for the purpose of providing more efficient or economical transportation of Government personnel and property within specific areas by motor vehicles or local transit systems. Pools or systems based in whole or in part upon use of privately-owned vehicles and facilities shall be preferred to Government ownership of vehicles and facilities to the extent that it is feasible to provide required motor-vehicle services of satisfactory quality and cost from commercial or other private sources.

SEC. 2. Conduct of studies to determine advisability of establishing motor-vehicle pools or systems. (a) The Administrator shall select areas in which studies are to be conducted to determine the advisability of establishing motor-vehicle pools or systems. Before initiating any such study, he shall give at least thirty days notice to the head of each executive agency (as defined in section 3 (a) of the Act). The notice shall include a statement of the approximate geographic area to be studied and the date on which the study will begin.

(b) The head of each executive agency receiving notice that such a study is to be made shall provide information which is required or pertinent. He shall also designate one or more officials in the field with whom members of a staff assigned by the General Services Administration may consult. Such designated officials shall provide such assigned staff with needed information and assistance, including reasonable opportunities to observe motor-vehicle operations and facilities and to examine pertinent cost and other records.

SEC. 3. Determination to establish an interagency motor-vehicle pool or system. (a) If the Administrator determines, with due regard to the program activities of the agencies concerned, and on the basis of a study made in accordance with section 2 hereof, that an interagency motor-vehicle pool or system should be established, he shall be responsible for preparing a formal determination to that effect. Such determination shall include:

(1) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served.

(2) The name of the executive agency designated to be responsible for operating the pool or system, and the reasons for such designation.

(3) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

(b) Each determination shall be accompanied by an analytical justification which shall include a comparison of estimated costs of the present and proposed methods of operation and a showing of the estimated savings to be realized through the establishment of the proposed pool or system. The justification shall also describe the alternatives con-

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considered in making the determination, and shall include a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

(c) The Administrator shall send a copy of each determination to each executive agency affected and to the Director of the Office of Management and Budget (hereinafter referred to as the Director).

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 4. *Transfers of records, facilities, personnel, and appropriations.* Whenever the Administrator prepares a determination as set forth in section 3 of these regulations, he shall also prepare and present to the Director a schedule of the proposed transfer of such records, facilities, personnel, and appropriations as relate primarily to the functions which are to be transferred to the interagency motor-vehicle pool or system. A copy of such schedule shall be sent by the Administrator to each executive agency affected. The Director shall determine the records, facilities, personnel, and appropriations to be transferred.

SEC. 5. *Taking effect of determinations.* Unless a greater time is allowed therein, any determination made by the Administrator shall become binding on all affected executive agencies forty-five days after the issuance thereof except with respect to any agency which appeals, or requests an exemption, from any such determination in accordance with section 6 of these regulations.

SEC. 6. *Review of determinations not agreed to by agencies affected.* (a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing to the Director with a copy to the Administrator within forty-five days from the date of the determination. Such appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director shall review any determination from which an executive agency has appealed and shall make a final decision on such appeal. The Director shall make such decisions, within seventy-five days after he receives the appeal or as soon thereafter as practicable, on the basis of information contained in the Administrator's determination, the executive agencies' appeals therefrom, and any supplementary data submitted by the Administrator and the contesting agencies. The Director shall send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

(c) The Director's decision upon each such appeal, if it holds that the determination shall apply in whole or in part to the appealing agency, shall state the extent to which the determination applies and the effective date of its application. To the extent that the Director's decision on an appeal does not uphold the Administrator's determination, such determination shall be of no force and effect.

SEC. 7. *Compliance with determinations and decisions on appeals.* (a) When a determination or a decision on an appeal made in accordance with these regulations has become effective, each executive agency affected shall comply therewith.

(b) The Director shall take such actions as he deems appropriate to assist in securing compliance with determinations which have become effective. In the exercise of his authority to establish reserves in appor-

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tioning appropriations and funds, the Director shall take account of such savings as accrue from the establishment of interagency motor-vehicle pools and systems.

(c) The executive agency which operates any pool or system established hereunder shall maintain accurate records of the cost of establishment, maintenance, and operation of any interagency motor-vehicle pool or system established pursuant to these regulations.

(d) The Administrator shall be responsible for maintaining adequate reviews and controls of the economy and efficiency of all pools or systems established in accordance with these regulations, including those not directly operated by the General Services Administration.

SEC. 8. *Discontinuance or curtailment of service.* (a) If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized from the operation of any pool or system established hereunder, the Administrator shall discontinue the pool or system concerned.

(b) The Administrator may discontinue or curtail a motor-vehicle pool or system when he determines that it is not the most economical method of rendering required motor-vehicle service; but he shall give at least sixty days notice of such intention to executive agencies affected and to the Director before taking such action.

(c) Executive agencies affected by a pool or system for which the Administrator is responsible (including interagency pools or systems operated by another executive agency designated by the Administrator) may bring problems of service and cost to the attention of the Administrator, who shall assure that such problems receive proper attention.

(d) Executive agencies receiving motor-vehicle services from an interagency motor-vehicle pool or system under these regulations may request discontinuance or curtailment of their participation in such pool or system after at least one year of participation or in the event that the need for the services from the pool or system ceases. Such requests shall be submitted to the Administrator with pertinent factual justification.

(e) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request shall be forwarded to the Director who shall be responsible for making a final and binding decision.

(f) When a pool or system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director.

SEC. 9. *Motor vehicles exempted from inclusion in interagency motor-vehicle pools.* The following-described classes of motor vehicles shall be exempt from inclusion in interagency motor-vehicle pools or systems:

(1) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot.

(2) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, that vehi-

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les regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not because of such use be exempted from such inclusion.

(3) Any motor vehicle the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used.

(4) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(i) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, chargé d'affaires, and other principal diplomatic and consular officials.

(ii) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(iii) Motor vehicles regularly used for the distribution and transportation of mails.

(5) Motor vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in an interagency motor-vehicle pool or system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned.

(6) Motor vehicles exempted by an agency which has authority to make such an exemption under the provisions of the Act.

SEC. 10. *Optional use arrangements.* Nothing in these regulations shall be construed as precluding the establishment or operation of interagency motor-vehicle pools or systems on the basis of optional use by executive or other Federal agencies.

SEC. 11. *Supplementary regulations.* The Administrator shall, after consultation with the executive agencies concerned and with due regard to their program activities, issue such supplementary regulations of general applicability to the executive agencies concerned as are necessary for the effective and economical operation of pools or systems under the Act.

Executive Order 10582—Prescribing uniform procedures for certain determinations under the Buy-American Act

SOURCE: The provisions of Executive Order 10582 of Dec. 17, 1954, appear at 19 FR 8723, 3 CFR, 1954-1958 Comp., p. 230, unless otherwise noted.

CROSS REFERENCE: Executive Order 11725 of June 27, 1973, 38 FR 17175, 3 CFR, 1970-1975 Comp., p. 779, which was revoked by Executive Order 12148 of July 20, 1979, Chapter 44, p. 881, transferred certain functions formerly vested in the Director of the Office of Emergency Preparedness to the Administrator of General Services. Additionally, Executive Order 10761 of Mar. 27, 1958, 23 FR 2067, 3 CFR, 1954-1958 Comp., p. 409, which was revoked by Proclamation 3729 of Mar. 10, 1959, 24 FR 1781, 3 CFR, 1959-1963 Comp., p. 11, provided that Executive Order 10582 should not be applicable to crude petroleum and petroleum products.

WHEREAS in the administration of the act of March 3, 1933, 47 Stat. 1520, 41 U.S.C. 10a-10c; 41 U.S.C. 10d, commonly known as the Buy-American Act, and other laws requiring the application of the Buy-American Act, the heads of executive agencies are required to de-

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termine, as a condition precedent to the purchase by their agencies materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest; and

WHEREAS it is desirable and in the public interest that such determinations be made on as uniform a basis as possible:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. As used in this order, (a) the term "materials" includes articles and supplies, (b) the term "executive agency" includes executive department, independent establishment, and other instrumentalities of the executive branch of the Government, and (c) the term "bid or offered price of materials of foreign origin" means the bid or offered price of such materials delivered at the place specified in the invitation to bid including applicable duty and all costs incurred after arrival in the United States.

SEC. 2. (a) For the purposes of this order materials shall be considered to be of foreign origin if the cost of the foreign products used in such materials constitutes fifty per centum or more of the cost of all products used in such materials.

(b) For the purposes of the said act of March 3, 1933, and the other laws referred to in the first paragraph of the preamble of this order, the bid or offered price of materials of domestic origin shall be deemed to be unreasonable, or the purchase of such materials shall be deemed to be inconsistent with the public interest, if the bid or offered price thereof exceeds the sum of the bid or offered price of like materials of domestic origin and a differential computed as provided in subsection (c) of this section.

(c) The executive agency concerned shall in each instance determine the amount of the differential referred to in subsection (b) of this section on the basis of one of the following-described formulas, subject to the terms thereof:

(1) The sum determined by computing six per centum of the bid or offered price of materials of foreign origin.

(2) The sum determined by computing ten per centum of the bid or offered price of materials of foreign origin exclusive of applicable duty and all costs incurred after arrival in the United States: provided that when the bid or offered price of materials of foreign origin amounts to less than \$25,000, the sum shall be determined by computing ten per centum of such price exclusive only of applicable duty.

SEC. 3. Nothing in this order shall affect the authority or responsibility of an executive agency:

(a) To reject any bid or offer for reasons of the national interest not described or referred to in this order; or

(b) To place a fair proportion of the total purchases with small business concerns in accordance with section 302(b) of the Federal Property and Administrative Services Act of 1949, as amended, section 202 of the Armed Services Procurement Act of 1947, as amended, and section 202 of the Small Business Act of 1953; or

(c) To reject a bid or offer to furnish materials of foreign origin in any situation in which the domestic supplier offering the lowest price for furnishing the desired materials undertakes to produce substantially

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all of such materials in areas of substantial unemployment, as determined by the Secretary of Labor in accordance with such appropriate regulations as he may establish and during such period as the President may determine that it is in the national interest to provide to such areas preference in the award of Government contracts: *Provided*, that nothing in this section shall prevent the rejection of a bid or offered price which is excessive; or

(d) To reject any bid or offer for materials of foreign origin if such rejection is necessary to protect essential national-security interests after receiving advice with respect thereto from the President or from the Director of the Federal Emergency Management Agency. In providing this advice the Director shall be governed by the principle that exceptions under this section shall be made only upon a clear showing that the payment of a greater differential than the procedures of this section generally prescribe is justified by consideration of national security.

[Sec. 3 amended by EO 11051 of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 12148 of July 20, 1979, 44 FR 43239, 1979 Comp., p. 412]

SEC. 4. The head of each executive agency shall issue such regulations as may be necessary to insure that procurement practices under his jurisdiction conform to the provisions of this order.

SEC. 5. This order shall apply only to contracts entered into after the date hereof. In any case in which the head of an executive agency proposing to purchase domestic materials determines that a greater differential than that provided in this order between the cost of such materials of domestic origin and materials of foreign origin is not unreasonable or that the purchase of materials of domestic origin is not inconsistent with the public interest, this order shall not apply. A written report of the facts of each case in which such a determination is made shall be submitted to the President through the Director of the Office of Management and Budget by the official making the determination within 30 days thereafter.

[Sec. 5 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Executive Order 10678—Administration of the functions of the Rubber Producing Facilities Disposal Commission

SOURCE: The provisions of Executive Order 10678 of Sept. 20, 1956, appear at 21 FR 7199, 3 CFR, 1954-1958 Comp., p. 329, unless otherwise noted.

By virtue of the authority vested in me by section 20 of the Rubber Producing Facilities Disposal Act of 1953, 67 Stat. 414, as amended or modified (50 U.S.C. App. 1941r), and by section 6 (d) of the act of March 21, 1956, 70 Stat. 53, and as President of the United States, it is ordered as follows:

SECTION 1. Subject to the provisions of section 2 of this order, the Federal Facilities Corporation¹ (hereinafter referred to as the Corporation) is hereby designated as the agency to administer the contracts of sale or lease of the Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of

¹ EDITORIAL NOTE: The Federal Facilities Corporation was dissolved by Pub. L. 87-190 (75 Stat. 418), and its functions were transferred to the Administrator of General Services.

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1953, as amended, and to administer other matters involving the Rubber Producing Facilities Disposal Commission, including all powers and authority conferred upon the said Commission by sections 4, 5, and 6 of the said act of March 21, 1956, and also including the winding up of the affairs of the Commission. The said contracts are hereby transferred to the Corporation.

SEC. 2. The administration of the national-security clause contained in such contracts of sale, including any contract of sale made under the act of March 31, 1955, 69 Stat. 15, or under the said act of March 21, 1956, and the administration of the national-security clause (including the recapture clause) contained in any lease of the unsold facilities made under any of the aforesaid acts shall be carried out in accordance with the needs and requirements of the national defense as determined by the Secretary of Defense.

SEC. 3. The records, property, liabilities, employees, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, of the Rubber Producing Facilities Disposal Commission are hereby transferred to the Corporation, for use or employment by the Corporation in connection with the administration or performance of its functions and duties under section 1 of this order, or for other disposition as determined, consonant with law, by the Corporation.

SEC. 4. All matters placed under the administration or jurisdiction of the Corporation by sections 1 and 3 of this order shall be subject to direction and control by the Administrator of General Services.

[Sec. 4 amended by EO 10720 of July 11, 1957, 22 FR 5521, 3 CFR, 1954-1958 Comp. p. 383]

SEC. 5. This order shall become effective on September 24, 1956.

EDITORIAL NOTE: Executive Order 10678 was further amended by section 2 of Executive Order 10720, which reads as follows:

SEC. 2. The certificates and other documents referred to in section 8 of the charter of the Federal Facilities Corporation shall be assigned and delivered by the Secretary of the Treasury to the Administrator of General Services.

Executive Order 10789—Authorizing agencies of the Government to exercise certain contracting authority in connection with national-defense functions and prescribing regulations governing the exercise of such authority

SOURCE: The provisions of Executive Order 10789 of Nov. 14, 1958, appear at 23 FR 8897, 3 CFR, 1954-1958 Comp. p., 426, unless otherwise noted.

By virtue of the authority vested in me by the act of August 28, 1958, 72 Stat. 972, hereinafter called the act, and as President of the United States, and in view of the existing national emergency declared by Proclamation No. 2914 of December 16, 1950,¹ and deeming that

¹ EDITORIAL NOTE: Public Law 94-412 (90 Stat. 1255, 50 U.S.C. 1601) terminated, effective Sept. 14, 1978, all powers and authorities, except those expressly cited in the act, possessed by the President and/or other Federal officials as a result of any declaration of a national emergency in effect on Sept. 14, 1976.

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such action will facilitate the national defense, it is hereby ordered as follows:

PART I—DEPARTMENT OF DEFENSE

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, the national defense will be facilitated thereby.

1A. (a) The limitation in paragraph 1 to amounts appropriated and the contract authorization provided therefor shall not apply to contractual provisions which provide that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subparagraph (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise (except as provided in subparagraph (b)(2)). This exception from the limitations of paragraph 1 shall apply only to claims or losses arising out of or resulting from risks that the contract defines as unusually hazardous or nuclear in nature. Such a contractual provision shall be approved in advance by an official at a level not below that of the Secretary of a military department and may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the approving official to be appropriate under the circumstances. In deciding whether to approve the use of an indemnification provision and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost and terms of private insurance, self-insurance, other proof of financial responsibility and workmen's compensation insurance. Such approval and determination, as required by the preceding two sentences, shall be final.

(b)(1) Subparagraph (a) shall apply to claims (including reasonable expenses of litigation and settlement) or losses, not compensated by insurance or otherwise, of the following types:

(A) Claims by third persons, including employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property;

(B) Loss of, damage to, or loss of use of property of the contractor;

(C) Loss of, damage to, or loss of use of property of the Government;

(D) Claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, or (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier; provided that all such arrangements were entered

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into pursuant to regulations prescribed or approved by the Secretaries of Defense, the Army, the Navy, or the Air Force.

(2) Indemnification and hold harmless agreements entered into pursuant to this subsection, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials which are (i) claims by the United States (other than those arising through subrogation) against the contractor or subcontractor, or (ii) losses affecting the property of such contractor or subcontractor. Regulations to be prescribed or approved by the Secretaries of Defense, the Army, the Navy or the Air Force shall define the scope of the term 'principal officials'.

(3) The United States may discharge its obligation under a provision authorized by subparagraph (a) by making payments directly to subcontractors or to third persons to whom a contractor or subcontractor may be liable.

(c) A contractual provision made under subparagraph (a) that provides for indemnification must also provide for—

(1) notice to the United States of any claim or action against, or of any loss by, the contractor or subcontractor which is covered by such contractual provision; and

(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

[Para. 1A added by EO 11610 of July 22, 1971, 36 FR 13755, 3 CFR, 1971-1975 Comp., p. 594]

2. The Secretaries of Defense, the Army, the Navy, and the Air Force, respectively, may exercise the authority herein conferred and, in their discretion and by their direction, may delegate such authority to any other military or civilian officers or officials of their respective departments, and may confer upon any such military or civilian officers or officials the power to make further delegations of such authority within their respective commands or organizations: *Provided*, that the authority herein conferred shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or by a departmental Contract Adjustment Board.

3. The contracts hereby authorized to be made shall include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of property or services necessary, appropriate, or convenient for the national defense, or for the invention, development, or production of, or research concerning, any such property or services, including, but not limited to, aircraft, missiles, buildings, vessels, arms, armament, equipment or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment without any restriction of any kind as to type, character, location, or form.

4. The Department of Defense may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the con-

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tract price, and may enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds. Amendments or modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

5. Proper records of all actions taken under the authority of the act shall be maintained within the Department of Defense. The Secretaries of Defense, the Army, the Navy, and the Air Force shall make such records available for public inspection except to the extent that they, or their duly authorized representatives, may respectively deem the disclosure of information therein to be detrimental to the national security.

6. The Department of Defense shall, by March 15 of each year, report to the Congress all actions taken within that department under the authority of the act during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of \$50,000, the report shall (except as the disclosure of such information may be deemed to be detrimental to the national security)—

- (a) name the contractor;
- (b) state the actual cost or estimated potential cost involved;
- (c) describe the property or services involved; and
- (d) state further the circumstances justifying the action taken.

7. There shall be no discrimination in any act performed hereunder against any person on the ground of race, religion, color, or national origin, and all contracts entered into, amended, or modified hereunder shall contain such nondiscrimination provision as otherwise may be required by statute or Executive order.

8. No claim against the United States arising under any purchase or contract made under the authority of the act and this order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended.

9. Advance payments shall be made hereunder only upon obtaining adequate security.

10. Every contract entered into, amended, or modified pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

"The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona-fide employees or bona-fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee."

11. Except as provided in the Act of September 27, 1966, 80 Stat. 850, contracts entered into, amended, or modified pursuant to authority

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of this order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to, such contracts or subcontracts. Before exercising the authority provided in the Act of September 27, 1966, 80 Stat. 850, the Secretaries of Defense, the Army, the Navy, or the Air Force, or their designees, shall first determine that all reasonable efforts have been made to include the clause prescribed above and that alternate sources of supply are not reasonably available.

[Para. 11 amended by EO 11610 of July 22, 1971, 36 FR 13755, 3 CFR, 1971-1972 Comp., p. 594]

12. Nothing herein contained shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits or fees;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304(a)(15) of title 10 of the United States Code to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder or

(f) the formalization of an informal commitment, unless the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, finds that at the time the commitment was made it was impracticable to use normal procurement procedures.

13. The provisions of the Walsh-Healey Act (49 Stat. 2036), as amended, the Davis-Bacon Act (49 Stat. 1011), as amended, the Copeland Act (48 Stat. 948), as amended, and the Eight Hour Law (37 Stat. 137), as amended, if otherwise applicable, shall apply to contracts made and performed under the authority of this order.

14. Nothing herein contained shall prejudice anything heretofore done under Executive Order No. 9001 of December 27, 1941, or Executive Order No. 10210 of February 2, 1951, or any amendments or extensions thereof, or the continuance in force of an action heretofore taken under those orders or any amendments or extensions thereof.

15. Nothing herein contained shall prejudice any other authority which the Department of Defense may have to enter into, amend, or modify contracts, and to make advance payments.

PART II—EXTENSION OF PROVISIONS OF PARAGRAPHS 1-14

21. Subject to the limitations and regulations contained in paragraphs 1 to 14, inclusive, hereof, and under any regulations prescribed by him

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in pursuance of the provisions of paragraph 22 hereof, the head of each of the following-named agencies is authorized to perform or exercise as to his agency, independently of any Secretary referred to in the said paragraphs 1 to 14, all the functions and authority vested by those paragraphs in the Secretaries mentioned therein:

Department of the Treasury
Department of the Interior
Department of Agriculture
Department of Commerce
Department of Transportation
Atomic Energy Commission ¹
General Services Administration
National Aeronautics and Space Administration
Tennessee Valley Authority
Government Printing Office
The Federal Emergency Management Agency

[Para. 21 amended by EO 11051, of Sept. 27, 1962, 27 FR 9683, 3 CFR, 1959-1963 Comp., p. 635; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691; EO 12148 of July 20, 1979, 44 FR 43259, 3 CFR, 1979 Comp., p. 412]

22. The head of each agency named in paragraph 21 hereof is authorized to prescribe regulations governing the carrying out of the functions and authority vested with respect to his agency by the provisions of paragraph 21 hereof. Such regulations shall, to the extent practicable, be uniform with the regulations prescribed or approved by the Secretary of Defense under the provisions of Part I of this order.

23. Nothing contained herein shall prejudice any other authority which any agency named in paragraph 21 hereof may have to enter into, amend, or modify contracts and to make advance payments.

24. Nothing contained in this Part shall constitute authorization thereunder for the amendment of a contract negotiated under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 394), as amended by section 2(b) of the act of August 28, 1958, 72 Stat. 966, to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder.

Executive Order 11012—Providing for the performance of certain functions under sections 1(a) and 1(b) of the Administrative Expenses Act of 1946

SOURCE: The provisions of Executive Order 11012 of Mar. 27, 1962, appear at 27 FR 2983, 3 CFR, 1959-1963 Comp., p. 591, unless otherwise noted.

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. [Superseded]

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission by the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

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[Sec. 1 superseded by EO 11230 of June 28, 1965, 30 FR 8447, 3 CFR, 1964-1965 Comp., p. 320]

SEC. 2. The Administrator of General Services is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by Section 1(b) of the Act of August 2, 1946, ch. 744, 60 Stat. 880 (5 U.S.C. 73b-1(b)), as pertains to the establishment of the rates to be used in reimbursing civilian officers or employees of the Government on a commuted basis in lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of their household goods and personal effects in the case of transfer from one official station to another within the continental United States for permanent duty.

SEC. 3. The initial regulations to be issued by the Director of the Office of Management and Budget and by the Administrator of General Services under the authority delegated to each of them by this order shall be effective on the same date and effective as of that date the following-described Executive orders are revoked:

- (a) Executive Order No. 9778 of September 10, 1946.
- (b) Executive Order No. 9805 of November 25, 1946.
- (c) Executive Order No. 9933 of February 27, 1948.
- (d) Executive Order No. 9997 of September 8, 1948.
- (e) Executive Order No. 10069 of July 14, 1949.
- (f) Executive Order No. 10177 of October 27, 1950.
- (g) Executive Order No. 10196 of December 20, 1950.
- (h) Executive Order No. 10274 of July 18, 1951.
- (i) Executive Order No. 10381 of August 6, 1952.
- (j) Executive Order No. 10507 of December 10, 1953.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 28]

SEC. 4. Existing regulations prescribed by the Director of the Office of Management and Budget under the authority of Section 1(b) of Executive Order No. 10530, as amended and in effect immediately prior to the issuance of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 28]

Executive Order 11440—Providing for the supplemental use of exhibits and displays created in furtherance of authorized programs of executive departments and agencies

SOURCE: The provisions of Executive Order 11440 of Dec. 11, 1968, appear at 33 FR 18475, 3 CFR, 1966-1970 Comp., p. 756, unless otherwise noted.

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated in or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

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WHEREAS under Chapter 21 of Title 44, United States Code, the Archivist of the United States is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of all executive departments and agencies are directed—

(a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Archivist of the United States, or his designee, for the purpose of assuring that any such exhibits or displays which the Archivist finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

(b) to transfer to the Archivist, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the department or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

[Preamble and sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Archivist of the United States is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preservation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Archivist of the United States of the exhibit or display.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

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Executive Order 11672—Providing for the transfer or furnishing of property under the Postal Reorganization Act

SOURCE: The provisions of Executive Order 11672 of June 6, 1972, appear at 37 FR 11455, 3 CFR, 1971-1975 Comp., p. 715, unless otherwise noted.

By virtue of the authority vested in me by the Postal Reorganization Act (39 U.S.C. 2002(d)) and section 301 of title 3 of the United States Code, and as President of the United States it is hereby ordered as follows:

SECTION 1. The authority conferred upon the President by section 2002(d) of title 39 of the United States Code is hereby delegated to the Administrator of General Services subject to the provisions of this order.

SEC. 2. Property transferred to the Postal Service under this order shall be subject to reimbursement at fair market value, as agreed to by the Administrator of General Services and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation, or transfer without reimbursement, is more equitable or better serves the public interest.

SEC. 3. Reimbursement of fair market value required for property transfers to the Postal Service under this order may consist of cash payments or, subject to approval by the Director of the Office of Management and Budget, property transferred from the Postal Service to other departments, agencies, or independent establishments of the Government of the United States, or both cash and approved properties.

SEC. 4. Heads of agencies furnishing property to the Postal Service under section 411 of title 39 of the United States Code shall require reimbursement at fair market value of such property or at a rate based on appropriate commercial charges for comparable property, as agreed to by the agency head and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation is more equitable or better serves the public interest.

SEC. 5. Delegations of authority made in this order may be redelegated.

Executive Order 11701—Employment of veterans by Federal agencies and Government contractors and subcontractors

SOURCE: The provisions of Executive Order 11701 of Jan. 24, 1973, appear at 38 FR 2675, 3 CFR, 1971-1975 Comp., p. 752, unless otherwise noted.

On June 16, 1971, I issued Executive Order No. 11598 to facilitate the employment of returning veterans by requiring Federal agencies and Federal contractors and their subcontractors to list employment openings with the employment service systems. Section 503 of the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92-540; 86 Stat. 1097) added a new section 2012 to Title 38 of the United States Code which, in effect, provides statutory authority to extend the program developed under that order with respect to Government contractors and their subcontractors.

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

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SECTION 1. The Secretary of Labor shall issue rules and regulations requiring each department and agency of the executive branch of the Federal Government to list suitable employment openings with the appropriate office of the State Employment Service or the United States Employment Service. This section shall not be construed as requiring the employment of individuals referred by such office or as superseding any requirements of the Civil Service Laws. Rules, regulations, and orders to implement this section shall be developed in consultation with the Office of Personnel Management.

[Sec. 1 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 426]

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under Section 2012 of Title 38 of the United States Code.

SEC. 3. The Secretary of Labor shall gather information on the effectiveness of the program established under this order and Section 2012 of Title 38 of the United States Code and of the extent to which the employment service system is fulfilling the employment needs of veterans. The Secretary of Labor shall, from time to time, report to the President concerning his evaluation of the effectiveness of this order along with his recommendations for further action which the Secretary believes to be appropriate.

SEC. 4. Appropriate departments and agencies shall, in consultation with the Secretary of Labor, issue such amendments or additions to procurement rules and regulations as may be necessary to carry out the purposes of this order and Section 2012 of Title 38 of the United States Code. Except as otherwise provided by law, all executive departments and agencies are directed to cooperate with the Secretary of Labor, to furnish the Secretary of Labor with such information and assistance as he may require in the performance of his functions under this order, and to comply with rules, regulations, and orders of the Secretary.

SEC. 5. Executive Order No. 11598 of June 16, 1971, is hereby superseded.

Executive Order 12072—Federal space management

SOURCE: The provisions of Executive Order 12072 of Aug. 16, 1978, appear at 43 FR 36869, 3 CFR, 1978 Comp., p. 213, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1-1. Space Acquisition.

1-101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

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1-102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1-103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1-104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatibility of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1-105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1-106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1-2. *Administrator of General Services.*

1-201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and program of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

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(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1-202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1-203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1-204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1-3. General Provisions.

1-301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1-302. Executive agencies which acquire or utilize federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended, shall conform to the provisions of this Order to the extent they have the authority to do so.

1-303. Executive Order No. 11512 of February 27, 1970, is revoked.

Executive Order 12073—Federal procurement in labor surplus areas

SOURCE: The provisions of Executive Order 12073 of Aug. 16, 1978, appear at 43 FR 36873, 3 CFR, 1978 Comp., p. 216, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to strengthen the economic base of our Nation, it is hereby ordered as follows:

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1-1. *Procurements in Labor Surplus Areas.*

1-101. Executive agencies shall emphasize procurement set-asides in labor surplus areas in order to strengthen our Nation's economy.

1-102. Labor surplus area procurements shall be consistent with this Order and, to the extent funds are available, the priorities of Section 15 of the Small Business Act, as amended by Public Law 95-89 (15 U.S.C. 644).

1-2. *Administrator of General Services.*

1-201. The Administrator shall coordinate with and advise State and local officials with regard to Federal efforts to encourage procurements in labor surplus areas with the aim of fostering economic development in labor surplus areas.

1-202. The Administrator shall establish specific labor surplus area procurement targets for Executive agencies in consultation with the heads of those agencies.

1-203. In cooperation with the heads of Executive agencies, the Administrator shall encourage the use of set-asides or other appropriate methods for meeting procurement targets in labor surplus areas.

1-204. The Administrator shall report every six months to the President on the progress of the agencies in achieving the procurement targets.

1-3. *Agency Responsibility.*

1-301. The Secretary of Labor shall classify and designate labor markets which are labor surplus areas. The Secretary shall provide labor market data to the heads of agencies and State and local officials in order to promote the development of business opportunities in labor surplus areas.

1-302. The heads of Executive agencies shall cooperate with the Administrator in carrying out his responsibilities for labor surplus area programs and shall provide the information necessary for setting procurement targets and recording achievement. They shall keep the Administrator informed of plans and programs which affect labor surplus procurements, with particular attention to opportunities for minority firms.

1-303. In accord with Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), the Administrator for Federal Procurement Policy shall be responsible for the overall direction and oversight of the policies affecting procurement programs for labor surplus areas.

Executive Order 12261—Gasohol in Federal motor vehicles

SOURCE: The provisions of Executive Order 12261 of Jan. 5, 1981, appear at 46 FR 2023, 3 CFR, 1981 Comp., p. 83, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 271 of the Energy Security Act (94 Stat. 710; Public Law 96-294; 42 U.S.C. 8871), in order to require Federal agencies which own or lease motor vehicles to use gasohol in those vehicles which are capable of operating on gasohol where it is available at reasonable prices and in reasonable quantities, it is hereby ordered as follows:

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1-101. In procurement actions for unleaded gasoline motor fuel, Federal agencies shall, whenever feasible, specify that gasohol is an acceptable substitute motor fuel. In such procurements there shall be a preference for the purchase of gasohol.

1-102. Agencies may procure the components of gasohol and do their own blending.

1-103. In determining the feasibility of specifying gasohol as a substitute motor fuel in procurement actions for unleaded gasoline, agencies shall include in their considerations such factors as the availability of storage facilities for bulk purchases and the number of vehicles capable of operating on gasohol.

1-104. Agencies shall designate those vehicles which are capable of using gasohol, consistent with overall agency needs and sound vehicle management practices. Agencies shall specify the conditions governing the use of gasohol, including when gasohol shall be purchased from normal retail outlets by vehicle operators.

1-105. The use of gasohol by the Department of Defense pursuant to this Order shall be in accordance with Section 815 of the Department of Defense Authorization Act, 1980 (93 Stat. 817; Public Law 96-107; 50 U.S.C. 2388 note) which provides for the use of gasohol to the maximum extent feasible and consistent with overall defense needs and sound vehicle management practices, as determined by the Secretary of Defense.

1-106. Vehicles used in experimental programs to test fuels other than gasohol are excepted from this Order.

1-107. The authority vested in the President by Section 271(b) of the Energy Security Act (42 U.S.C. 8871(b)) is delegated to the Secretary of Defense with respect to gasohol use by the Department of Defense, and delegated to the Administrator of General Services with respect to gasohol use by other agencies.

1-108. Federal agencies shall make available to the Department of Energy, upon request, relevant data or information they possess concerning agency gasohol usage.

1-109. For purposes of this Order "Gasohol" means a motor fuel which has an octane rating of not less than $87 (R+M)/2$ and which consists of approximately 90 percent unleaded gasoline and approximately 10 percent anhydrous (199 proof or above) ethyl alcohol derived from biomass, as defined in Section 203(2)(A) of the Energy Security Act (94 Stat. 683; Public Law 96-294; 42 U.S.C. 8802(2)(A)).

1-110. (a) The Secretary of Defense with respect to gasohol use by the Department of Defense, and the Administrator of General Services with respect to gasohol use by other agencies, shall issue such guidelines for the implementation of this Order as they deem appropriate.

(b) Such guidelines shall provide for a determination of reasonable prices and reasonable quantities based on the local prevailing price of unleaded gasolines, the octane requirements for vehicles in the Federal fleet, local market availability of gasohol or its components, and other such factors, as may be appropriate.

Executive Order 12352—Federal procurement reforms

SOURCE: The provisions of Executive Order 12352 of Mar. 17, 1982, appear at 47 FR 2125, 3 CFR, 1982 Comp., p. 137, unless otherwise noted.

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By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure effective and efficient spending of public funds through fundamental reforms in Government procurement, it is hereby ordered as follows:

SECTION 1. To make procurement more effective in support of mission accomplishment, the heads of executive agencies engaged in the procurement of products and services from the private sector shall:

(a) Establish programs to reduce administrative costs and other burdens which the procurement function imposes on the Federal Government and the private sector. Each program shall take into account the need to eliminate unnecessary agency procurement regulations, paperwork, reporting requirements, solicitation provisions, contract clauses, certifications, and other administrative procedures. Private sector views on needed changes should be solicited as appropriate;

(b) Strengthen the review of programs to balance individual program needs against mission priorities and available resources;

(c) Ensure timely satisfaction of mission needs at reasonable prices by establishing criteria to improve the effectiveness of procurement systems;

(d) Establish criteria for enhancing effective competition and limiting noncompetitive actions. These criteria shall seek to improve competition by such actions as eliminating unnecessary Government specifications and simplifying those that must be retained, expanding the purchase of available commercial goods and services, and, where practical, using functionally-oriented specifications or otherwise describing Government needs so as to permit greater latitude for private sector response;

(e) Establish programs to simplify small purchases and minimize paperwork burdens imposed on the private sector, particularly small businesses;

(f) Establish administrative procedures to ensure that contractors, especially small businesses, receive timely payment;

(g) Establish clear lines of contracting authority and accountability;

(h) Establish career management programs, covering the full range of personnel management functions, that will result in a highly qualified, well managed professional procurement work force; and

(i) Designate a Procurement Executive with agency-wide responsibility to oversee development of procurement systems, evaluate system performance in accordance with approved criteria, enhance career management of the procurement work force, and certify to the agency head that procurement systems meet approved criteria.

SEC. 2. The Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration shall continue their joint efforts to consolidate their common procurement regulations into a single simplified Federal Acquisition Regulation (FAR) by the end of calendar year 1982.

SEC. 3. The Director of the Office of Personnel Management, in consultation with the heads of executive agencies, shall ensure that personnel policies and classification standards meet the needs of executive agencies for a professional procurement work force.

SEC. 4. The Director of the Office of Management and Budget, through the Office of Federal Procurement Policy as appropriate, shall work jointly with the heads of executive agencies to provide broad

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policy guidance and overall leadership necessary to achieve procurement reform, encompassing:

- (a) Identifying desirable Government-wide procurement system criteria, such as minimum requirements for training and appointing contracting officers;
- (b) Facilitating the resolution of conflicting views among those agencies having regulatory authority with respect to Government-wide procurement regulations;
- (c) Assisting executive agencies in streamlining guidance for procurement processes;
- (d) Assisting in the development of criteria for procurement career management programs;
- (e) Facilitating interagency coordination of common procurement reform efforts;
- (f) Identifying major inconsistencies in law and policies relating to procurement which impose unnecessary burdens on the private sector and Federal procurement officials; and, following coordination with executive agencies, submitting necessary legislative initiatives for the resolution of such inconsistencies; and
- (g) Reviewing agency implementation of the provisions of this Executive Order and keeping me informed of progress and accomplishments.

Executive Order 12411—Government work space management reforms

SOURCE: The provisions of Executive Order 12411 of Mar. 29, 1983, appear at 48 FR 13391, 3 CFR, 1983 Comp., p. 155, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 486 of Title 40 of the United States Code, in order to institute fundamental changes in the manner in which Federal work space is managed to ensure its efficient utilization, it is hereby ordered as follows:

SECTION 1. In order to make the Federal use of work space (including office space, warehouses and special purpose space, whether federally owned, leased or controlled) and related furnishings more effective in support of agency missions, minimize the acquisition of government resources, and reduce the administrative costs of the Federal government, the heads of all Federal Executive agencies shall:

- (a) Establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions;
- (b) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs;
- (c) Ensure that the amount of office space used by each employee of the agency, or others using agency-controlled space, is held to the minimum necessary to accomplish the task that must be performed;
- (d) Manage the furniture, equipment, decoration, drapes, carpeting, plants and other accoutrements so that the use of all furnishings by the agency reflects a judicious employment of public moneys;
- (e) Consider, in making decisions concerning the use, acquisition, or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies;

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(f) Report all vacant work space retained for future Federal uses to the Administrator of General Services so that it may be made available for the temporary use of other Federal agencies, to the extent consistent with national defense requirements;

(g) Establish a work space management plan to meet the provisions of this Order, including specification of the goals to be achieved and actions to be taken by the agency in order to improve its utilization of all work space and related furnishings; and

(h) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a government-wide reporting system may be developed.

SEC. 2. The Administrator of General Services is delegated authority to the extent not prohibited by other laws, to conduct surveys, establish agency-wide objectives for work space use for each Executive agency, and establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by this Order.

Executive Order 12448—Exercise of authority under section 218 of title 18, United States Code

SOURCE: The provisions of Executive Order 12448 of Nov. 4, 1983, appear at 48 FR 5128, 3 CFR, 1983 Comp., p. 221, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 218 of title 18 of the United States Code, and in order to provide federal agencies with the authority to promulgate regulations for voiding or rescinding contracts or other benefits obtained through bribery, graft or conflict of interest, it is hereby ordered as follows:

SECTION 1. The head of each Executive department, Military department and Executive agency is hereby delegated the authority vested in the President to declare void and rescind the transactions set forth in section 218 of title 18 of the United States Code in relation to which there has been a final conviction for any violation of chapter 11 of title 18.

SEC. 2. The head of each Executive department and agency described in section 1 may exercise the authority hereby delegated by promulgating implementing regulations; provided that the Secretary of Defense, the Administrator of General Services and the Administrator of the National Aeronautics and Space Administration jointly shall issue government-wide implementing regulations related to voiding or rescission of contracts.

SEC. 3. Implementing regulations adopted pursuant to this Order shall, at a minimum, provide the following procedural protections:

(a) Written notice of the proposed action shall be given in each case to the person or entity affected;

(b) The person or entity affected shall be afforded an opportunity to submit pertinent information on its behalf before a final decision is made;

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- (c) Upon the request of the person or entity affected, a hearing shall be held at which it shall have the opportunity to call witnesses on its behalf and confront any witness the agency may present; and
- (d) The head of the agency or his designee shall issue a final written decision specifying the amount of restitution or any other remedy authorized by section 218, provided that such remedy shall take into consideration the fair value of any tangible benefits received and retained by the agency.

Executive Order 12512—Federal real property management

SOURCE: The provisions of Executive Order 12512 of Apr. 29, 1985, appear at 50 FR 1833, 3 CFR, 1985 Comp., p. 340, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 486(a) of title 48 of the United States Code, and in order to ensure that Federal real property resources are treated in accordance with their value as national assets and in the best interests of the Nation's taxpayers, it is hereby ordered as follows:

SECTION 1. General Requirements. To ensure the effective and economical use of America's real property and public land assets, establish a focal point for the enunciation of clear and consistent Federal policies regarding the acquisition, management, and disposal of properties, and ensure management accountability for implementing Federal real property management reforms, all Executive departments and agencies shall take immediate action to recognize the importance of such resources through increased management attention, establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate actions. Specifically:

- (a) The Domestic Policy Council shall serve as the forum for approving government-wide real property management policies;
- (b) All Executive departments and agencies shall establish internal policies and systems of accountability that ensure effective use of real property in support of mission-related activities, consistent with Federal policies regarding the acquisition, management, and disposal of such assets. All such agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services. All such agencies shall also develop annual real property management improvement plans that include clear and concise goals and objectives related to all aspects of real property management, and identify sales, work space management, productivity, and excess property targets;
- (c) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies toward achieving the government-wide property management policies established pursuant to this Order. Savings achieved as a result of improved management shall be applied to reduce Federal spending and to support program delivery;
- (d) The Office of Management and Budget and the General Services Administration shall, in consultation with the land managing agencies, develop legislative initiatives that seek to improve Federal real property

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management through the adoption of appropriate private sector management techniques; the elimination of duplication of effort among agencies; and the establishment of managerial accountability for implementing effective and efficient real property management practices; and

(e) The President's Council on Management Improvement, subject to the policy direction of the Domestic Policy Council, shall conduct such additional studies as are necessary to improve Federal real property management by appropriate agencies and groups.

SEC. 2. *Real Property.* The Administrator of General Services shall, to the extent permitted by law, provide government-wide policy oversight and guidance for Federal real property management; manage selected properties for agencies; conduct surveys; delegate operational responsibility to agencies where feasible and economical; and provide leadership in the development and maintenance of needed property management information systems.

SEC. 3. *Public Lands.* In order to ensure that Federally owned lands, other than the real property covered by Section 2 of this Order, are managed in the most effective and economic manner, the Department of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

SEC. 4. Executive Order No. 12348 of February 25, 1982, is hereby revoked.

CHAPTER 42—PUBLIC HEALTH

Executive Orders

- 10399 Designating the Surgeon General of the Public Health Service to perform certain duties under the International Sanitary Regulations (World Health Organization Regulations No. 2)
- 11140 Delegating certain functions of the President relating to the Public Health Service
- 12452 Revised list of quarantinable communicable diseases

Executive Order 10399—Designating the Surgeon General of the Public Health Service to perform certain duties under the International Sanitary Regulations (World Health Organization Regulations No. 2)

SOURCE: The provisions of Executive Order 10399 of Sept. 27, 1952, appear at 17 FR 8648, 3 CFR, 1949-1953 Comp., p. 899, unless otherwise noted.

WHEREAS, under Articles 21 and 22 of the Constitution of the World Health Organization, adopted in New York on July 22, 1946, accepted June 14, 1948, on behalf of the United States of America by the President acting pursuant to the authority granted by the joint resolution of the Congress of the United States of America approved June 14, 1948 (Public Law 643, 80th Congress, 22 U. S. C. 290), the Government of the United States of America, together with the governments of other countries which have accepted the said Constitution, undertakes to give effect to regulations of the World Health Assembly concerning sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease, as to which the said governments have not entered an unacceptable reservation or a rejection; and

WHEREAS the World Health Assembly on May 25, 1951, adopted International Sanitary Regulations (World Health Organization Regulations No. 2) concerning sanitary and quarantine measures which may be imposed on international traffic to prevent the international spread of smallpox, plague, cholera, yellow fever, typhus, and relapsing fever, as well as concerning reports and notifications of outbreaks of such diseases; and

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WHEREAS the said International Sanitary Regulations have been accepted by the Government of the United States of America without reservation and come into force on October 1, 1952, with respect to the said Government and the governments of certain other countries; and

WHEREAS, in order that the Government of the United States of America may give full and complete effect to the said regulations and assist in the prevention of the international spread of disease, it is necessary that an agency of the executive branch of the said Government be designated to exercise functions and perform duties under the said regulations; and

WHEREAS authority and responsibility for the prevention of the introduction, transmission, or spread of communicable diseases from foreign countries into the States and possessions of the United States of America already is vested in the Surgeon General of the Public Health Service, Federal Security Agency,¹ pursuant to the Public Health Service Act (Public Law 410, 78th Congress; 42 U. S. C. 201, et seq.);

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, I hereby designate the Surgeon General of the Public Health Service in the Federal Security Agency as the "health administration" of the United States of America for the purpose of performing the duties prescribed and undertaken in the said International Sanitary Regulations.

Executive Order 11140—Delegating certain functions of the President relating to the Public Health Service

SOURCE: The provisions of Executive Order 11140 of Jan. 30, 1964, appear at 29 FR 1637, 3 CFR, 1964-1965 Comp., p. 177, unless otherwise noted.

By virtue of the authority vested in me by Section 201 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Health and Human Services is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the following-described functions vested in the President under the Public Health Service Act (58 Stat. 682), as amended:

(a) The authority under Section 203 (42 U.S.C. 204) to appoint commissioned officers of the Reserve Corps.

(b) The authority under Section 206(b) (42 U.S.C. 207(b)) to prescribe titles, appropriate to the several grades, for commissioned officers of the Public Health Service other than medical officers.

(c) The authority under Section 207(a)(2) (42 U.S.C. 209(a)(2)) to terminate commissions of officers of the Reserve Corps without the consent of the officers concerned.

¹ EDITORIAL NOTE: The Federal Security Agency was abolished by Reorganization Plan No. 1 of 1953, 17 FR 2053, 3 CFR, 1949-1953 Comp., p. 1022, effective Apr. 1, 1953. The Office of the Surgeon General of the Public Health Service was abolished by Reorganization Plan No. 3 of 1966, 31 FR 8855, 3 CFR, 1966-1970 Comp., p. 1023, effective June 25, 1966. The functions of both agencies were transferred to the Department of Health, Education, and Welfare, which was redesignated as the Department of Health and Human Services by Pub. L. 96-88 (93 Stat. 695, 20 U.S.C. 3508).

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(d) The authority under Section 210(a), (k), and (l) (42 U.S.C. 211(a), (k), and (l)) to make or terminate temporary promotions of commissioned officers of the Regular Corps and Reserve Corps.

(e) The authority under Section 211(a)(5) (42 U.S.C. 212(a)(5)) to approve voluntary retirements under that section.

(f) The authority to prescribe regulations under the following-designated Sections: 207(a), 207(b), 208(e), 210(a), 210(b), 210(d)(1), 210(h), 210(i), 210(j)(1), 210(k), 215(a), 218(a), 219(a), and 510 (42 U.S.C. 209(a), 209(b), 210(e), 211(a), 211(b), 211(d)(1), 211(h), 211(i), 211(j)(1), 211(k), 216(a), 218a(a), 210-1(a), and 228).

(g) The authority under Sections 321(a) and 364(a) (42 U.S.C. 248(a) and 267(a)) to approve the selection of suitable sites for and the establishment of additional institutions, hospitals, stations, grounds, and anchorages; subject, however, to the approval of the Director of the Office of Management and Budget, except as he may otherwise provide.

[Sec. 1 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Surgeon General is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the function vested in the President by Sections 203 and 207(a)(2) of the Public Health Service Act (58 Stat. 683, 685), as amended (42 U.S.C. 204 and 209(a)(2)), or otherwise, of accepting voluntary resignations of commissioned officers of the Regular Corps or the Reserve Corps.

SEC. 3. The Secretary of Health and Human Services is hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise the authority vested in the President by Section 704 of Title 37 of the United States Code to prescribe regulations.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 4. The Secretary of Health and Human Services is hereby authorized to redelegate all or any part of the functions set forth under (a), (b), (c), and (d) of Section 1 hereof to the Surgeon General of the Public Health Service or other official of that Service who is required to be appointed by and with the advice and consent of the Senate.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. All actions heretofore taken by appropriate authority with respect to the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 6. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

SEC. 7. (a) Executive Order No. 10506 of December 10, 1953, entitled "Delegating Certain Functions of the President under the Public Health Service Act," is hereby superseded.

(b) Executive Orders Nos. 9993 of August 31, 1948, 10031 of January 26, 1949, 10280 of August 16, 1951, 10354 of May 26, 1952, and 10497

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of October 27, 1953, which prescribed regulations relating to commissioned officers and employees of the Public Health Service, are hereby revoked. Nothing in this subsection shall be deemed to alter or otherwise affect the regulations prescribed by the Surgeon General (42 CFR Parts 21 and 22) to replace the regulations prescribed by the orders described in the preceding sentence.

Executive Order 12452—Revised list of quarantinable communicable diseases

SOURCE: The provisions of Executive Order 12452 of Dec. 22, 1983, appear at 48 FR 56927, 3 CFR, 1983 Comp., p. 224, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 264(b) of Title 42 of the United States Code, it is hereby ordered as follows:

SECTION 1. Based upon the recommendation of the National Advisory Health Council and the Assistant Secretary for Health of the Department of Health and Human Services, and for the purposes of specifying certain communicable diseases for regulations providing for the apprehension, detention, or conditional release of individuals to prevent the introduction, transmission, or spread of communicable diseases, the following named communicable diseases are hereby specified pursuant to Section 264(b) of Title 42 of the United States Code: Cholera or suspected Cholera, Diphtheria, infectious Tuberculosis, Plague, suspected Smallpox, Yellow Fever, and suspected Viral Hemorrhagic Fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

SEC. 2. Executive Order No. 9708 of March 26, 1946, Executive Order No. 10532 of May 28, 1954, and Executive Order No. 11070 of December 12, 1962, are hereby revoked.

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Proclamations

- 095 Independence of the Philippines
- 069 Admission of the State of Alaska into the Union
- 009 Admission of the State of Hawaii into the Union

Executive Orders

- 094 Designating the Solicitor of the Department of the Interior to act as Under Secretary or Assistant Secretary of the Interior
- 0077 Transfer of the administration of the Island of Guam from the Secretary of the Navy to the Secretary of the Interior
- 0211 Placing in operation the provisions of section 31 of the Organic Act of Guam
- 0250 Providing for the performance of certain functions of the President by the Secretary of the Interior
- 0264 Transfer of the administration of American Samoa from the Secretary of the Navy to the Secretary of the Interior
- 0355 Delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes
- 0525 Transferring from the Secretary of the Navy to the Secretary of the Interior interest in and control over certain funds
- 0602 Designating the Secretary of the Interior as the representative of the President to approve the obligation and expenditure of certain moneys by the government of the Virgin Islands
- 0752 Designating the Secretary of the Interior to execute certain powers and functions vested in the President by the act of February 22, 1935, 49 Stat. 30, as amended
- 0950 Designating the Secretary of the Interior as the representative of the President to approve selections by the State of Alaska of public lands lying north and west of the National Defense Withdrawal Line
- 0967 Administration of Palmyra Island
- 1021 Administration of the Trust Territory of the Pacific Islands by the Secretary of the Interior
- 1200 Providing for establishing user fees pursuant to the Land and Water Conservation Fund Act of 1965
- 1487 Designation of officers of the Department of the Interior to act as Secretary of the Interior
- 1644 Use of off-road vehicles on the public lands

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12572 Relations with the Northern Mariana Islands

Proclamation 2695—Independence of the Philippines

SOURCE: The provisions of Proclamation 2695 of July 4, 1946, appear at 11 FR 751 CFR, 1943-1948 Comp., p. 86, unless otherwise noted.

WHEREAS the United States of America by the Treaty of Peace with Spain of December 10, 1898, commonly known as the Treaty of Paris, and by the Treaty with Spain of November 7, 1900, did acquire sovereignty over the Philippines, and by the Convention of January 1930, with Great Britain did delimit the boundary between the Philippine Archipelago and the State of North Borneo; and

WHEREAS the United States of America has consistently and faithfully during the past forty-eight years exercised jurisdiction and control over the Philippines and its people; and

WHEREAS it has been the repeated declaration of the legislative and executive branches of the Government of the United States of America that full independence would be granted the Philippines as soon as the people of the Philippines were prepared to assume this obligation; and

WHEREAS the people of the Philippines have clearly demonstrated their capacity for self-government; and

WHEREAS the Act of Congress approved March 24, 1934, known as the Philippine Independence Act, directed that, on the 4th day of July immediately following a ten-year transitional period leading to the independence of the Philippines, the President of the United States of America should by proclamation withdraw and surrender all rights of possession, supervision, jurisdiction, control, or sovereignty of the United States of America in and over the territory and people of the Philippines, except certain reservations therein or thereafter authorized to be made, and, on behalf of the United States of America, should recognize the independence of the Philippines:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do proclaim that, in accord with and subject to the reservations provided for in the applicable statutes of the United States,

The United States of America hereby withdraws and surrenders all rights of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States of America in and over the territory and people of the Philippines; and,

On behalf of the United States of America, I do hereby recognize the independence of the Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of July in the year of our Lord, nineteen hundred and forty-six, and of the Independence of the United States of America the one hundred and seventy-first.

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Proclamation 3269—Admission of the State of Alaska into the Union

SOURCE: The provisions of Proclamation 3269 of Jan. 3, 1959, appear at 24 FR 81, 3 CFR, 1959-1963 Comp., p. 4, unless otherwise noted.

WHEREAS the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1956, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8 (b) of the act of July 7, 1958; and

WHEREAS it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election were made and certified as provided in the act of July 7, 1958; and

WHEREAS the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8 (b) of the act of July 7, 1958, and the results of the general election; and

WHEREAS I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the act of July 7, 1958, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at one minute past noon on this third day of January in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

Proclamation 3309—Admission of the State of Hawaii into the Union

SOURCE: The provisions of Proclamation 3309 of Aug. 21, 1959, appear at 24 FR 6868, 3 CFR, 1959-1963 Comp., p. 48, unless otherwise noted.

WHEREAS the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

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WHEREAS it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7(b) of the act of March 18, 1959; and

WHEREAS it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959; and

WHEREAS the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7(b) of the act of March 18, 1959, and the results of the general election; and

WHEREAS I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

Executive Order 9794—Designating the Solicitor of the Department of the Interior to act as Under Secretary or Assistant Secretary of the Interior

SOURCE: The provisions of Executive Order 9794 of Oct. 26, 1946, appear at 11 FR 12697, 3 CFR, 1943-1948 Comp., p. 580, unless otherwise noted.

By virtue of the authority vested in me by section 179 of the Revised Statutes (5 U.S.C. 6), and in the interest of the internal management of the Government, I hereby authorize and designate the Solicitor of the Department of the Interior, when so directed by the Secretary of the Interior, to perform the duties of the Under Secretary of the Interior or of an Assistant Secretary of the Interior in the event of the death, resignation, absence, or sickness of the Under Secretary or of an Assistant Secretary of the Interior, respectively.

Executive Order 10077—Transfer of the administration of the Island of Guam from the Secretary of the Navy to the Secretary of the Interior

SOURCE: The provisions of Executive Order 10077 of Sept. 7, 1943, appear at 14 FR 5533, 3 CFR, 1949-1953 Comp., p. 279, unless otherwise noted.

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WHEREAS the Island of Guam was placed under the control of the Department of the Navy by Executive Order No. 108-A of December 23, 1898; and

WHEREAS a committee composed of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for the Island of Guam be transferred to a civilian agency of the Government at the earliest practicable date as determined by the President; and

WHEREAS plans for the orderly transfer of administrative responsibility for the Island of Guam from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on August 10, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on August 1, 1950; and

WHEREAS the transfer of administration of the Island of Guam from the Secretary of the Navy to the Secretary of the Interior, effective August 1, 1950, appears to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of the Island of Guam is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on August 1, 1950.

Preamble and para. 1 amended by EO 10137 of June 30, 1950, 15 FR 4241, 3 CFR, 1949-1953 Comp., p. 320]

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of the administration of the Island of Guam as embodied in the above mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government on the Island of Guam.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 108-A of December 23, 1898, is revoked, effective July 1, 1950.

EDITORIAL NOTE: The Organic Act of Guam, approved Aug. 1, 1950 (64 Stat. 384, 48 U.S.C. 1421 et seq.), declared Guam to be an unincorporated territory of the United States, established a three-branch government, and provided that its relations with the Federal Government in all matters not the program responsibility of another Federal department or agency, should be under the general administrative supervision of the Secretary of the Interior.

Executive Order 10211—Placing in operation the provisions of section 31 of the Organic Act of Guam

SOURCE: The provisions of Executive Order 10211 of Feb. 6, 1951, appear at 16 FR 1167, 3 CFR, 1949-1953 Comp., p. 392, unless otherwise noted.

WHEREAS section 31 of the Organic Act of Guam (Public Law 630, 81st Congress), approved August 1, 1950, provides:

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The income-tax laws in force in the United States of America and those which hereafter be enacted shall be held to be likewise in force in Guam;

AND WHEREAS section 34 of the said Organic Act of Guam provides:

Upon the 21st day of July 1950, the anniversary of the liberation of the island of Guam by the Armed Forces of the United States in World War II, the authority and powers conferred by this Act shall come into force. However, the President is authorized, for a period not to exceed one year from the date of enactment of this Act, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on the date of enactment of this Act. The President may, in his discretion, place in operation all or some of the provisions of this Act if practicable before the expiration of the period of one year;

NOW, THEREFORE, by virtue of the authority vested in me by section 34 of the said Organic Act of Guam, it is hereby ordered that the provisions of section 31 of the said Act shall be in operation as of January 1, 1951.

Executive Order 10250—Providing for the performance of certain functions of the President by the Secretary of the Interior

SOURCE: The provisions of Executive Order 10250 of June 5, 1951, appear at 16 FR 5385, 3 CFR, 1949-1953 Comp., p. 755, unless otherwise noted.

By virtue of the authority vested in me by section 11 of the act of February 22, 1935, 49 Stat. 33, and section 1 of the act of August 8, 1950, 64 Stat. 419 (Public Law 673, 81st Congress), and as President of the United States, it is ordered as follows:

1. The Secretary of the Interior is hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1 of the act of July 10, 1935, ch. 375, 49 Stat. 477 (16 U.S.C. 19), to appoint members of the National Park Trust Fund Board.

(b) The authority vested in the President by section 2059 of the Revised Statutes (25 U.S.C. 62) to discontinue any Indian agency, or transfer the same, from the place or tribe designated by law to such other place or tribe as the public service may require.

(c) The authority vested in the President by section 6 of the act of May 17, 1882, ch. 163, 22 Stat. 88, as amended (25 U.S.C. 63), to consolidate two or more Indian agencies into one, to consolidate one or more Indian tribes, and to abolish such agencies as are thereby rendered unnecessary.

(d) The authority vested in the President by the act of March 3, 1907, ch. 2285, 34 Stat. 1016 (25 U.S.C. 140), to divert appropriations made for certain purposes to other uses for the benefit of the several Indian tribes: *Provided*, that the Secretary of the Interior shall make to the Congress reports required in connection with action taken by him under this provision.

(e) The authority vested in the President by section 5 of the act of February 8, 1887, ch. 119, 24 Stat. 389, as amended (25 U.S.C. 348), by the act of December 24, 1942, ch. 814, 56 Stat. 1081 (25 U.S.C. 348a), by the act of June 21, 1906, ch. 3504, 34 Stat. 326 (25 U.S.C. 391), and by section 3 of the act of January 12, 1891, 26 Stat. 712, as amended by

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section 3 of the act of March 2, 1917, ch. 146, 39 Stat. 976, to extend trust periods on land patents issued to Indians and to continue restrictions on alienation.

(f) The authority vested in the President by section 4705 (b) of the Internal Revenue Code of 1954 to authorize certain persons in the Virgin Islands to obtain certain drugs for legitimate medical purposes without regard to order forms, and by section 4762 (b) of such Code to provide for the registration of and the imposition of special and transfer taxes upon persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana: *Provided*, that the Secretary of the Interior shall perform the functions referred to in this subsection in consultation with the Department of the Treasury.

[Para. 1(f) amended by EO 10732 of Oct. 10, 1957, 22 FR 8135, 3 CFR, 1954-1958 Comp., p. 390]

(g) The authority vested in the President by section 2343 of the Revised Statutes (30 U.S.C. 46) to establish additional land districts and to appoint necessary officers under existing laws when deemed necessary for the public convenience in executing certain provisions of law with respect to mineral lands and mining.

(h) The authority vested in the President by section 2252 of the Revised Statutes as affected by section 403 of Reorganization Plan No. 3 of 1946, 60 Stat. 1100 (43 U.S.C. 121), to order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(i) The authority vested in the President by section 2250 of the Revised Statutes (43 U.S.C. 125) to discontinue a land office in a land district under certain circumstances and to annex the same to some other adjoining land district.

(j) The authority vested in the President by section 2251 of the Revised Statutes (43 U.S.C. 126) to change the location of the land offices in the several land districts established by law and to relocate the same from time to time at such point in the district as may be deemed expedient.

(k) The authority vested in the President by section 2253 of the Revised Statutes (43 U.S.C. 127) to change and re-establish the boundaries of land districts.

(l) The authority vested in the President by section 2 of the act of March 2, 1917, ch. 145, 39 Stat. 951, as amended (48 U.S.C. 737), to approve the payment out of the Treasury for other purposes of money derived from any tax levied or assessed for a special purpose in Puerto Rico.

(m) The authority vested in the President by section 7 of the act of March 2, 1917, ch. 145, 39 Stat. 954, as amended (48 U.S.C. 748), to convey to the people of Puerto Rico lands, buildings, or interests in lands, or other property owned by the United States, and to accept lands, buildings, or other interests or property by legislative grant from Puerto Rico.

(n) The authority vested in the President by section 3 (b) of the act of March 3, 1925, ch. 426, 43 Stat. 1111, as amended (50 U.S.C. 164 (b)), to approve regulations governing the production and sale of helium for medical, scientific, and commercial use.

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(o) The authority vested in the President by section 6 of the act of April 26, 1906, ch. 1876, 34 Stat. 139, to remove from office the principal chief of the Choctaw, Cherokee, Creek, or Seminole tribe or the governor of the Chickasaw tribe, to declare any such office vacant, and to fill any vacancy in any such office arising from removal, disability, or death of the incumbent.

(p) The authority vested in the President by section 28 of the act of April 26, 1906, ch. 1876, 34 Stat. 148, to approve acts, ordinances, or resolutions of the tribal council or legislature of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations, and to approve contracts, involving the payment or expenditure of money or affecting property belonging to any of the said tribes or nations, made by them or any of them or by any officer thereof.

(q) [Superseded]

[Para. 1(q) superseded by EO 10752 of Feb. 12, 1958, 23 FR 973, 3 CFR, 1954-1958 Comp., p. 405]

(r) The authority vested in the President by section 55 of the act of April 30, 1900, 31 Stat. 150, as amended (48 U.S.C. 562), and by section 4 of the act of August 24, 1954, 68 Stat. 785, as amended (48 U.S.C. 562o), to approve the issuance of bonds or other instruments of indebtedness by the Territory of Hawaii.

[Para. 1(r) added by EO 10732 of Oct. 10, 1957, 22 FR 8135, 3 CFR, 1954-1958 Comp., p. 390]

2. The Secretary of the Interior is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the following functions which have heretofore, under the respective provisions of law cited, required the approval, ratification, or other action of the President in connection with their performance by the Secretary of the Interior:

(a) The authority vested in the Secretary of the Interior by section 1 of the act of June 6, 1942, ch. 380, 56 Stat. 326 (16 U.S.C. 459r), to convey or lease to the States or to the political subdivisions thereof any or all of certain recreational demonstration projects and lands and equipment comprised within such projects or any parts of such projects; and to transfer to other Federal agencies any of the said recreational demonstration areas that may be of use to such agencies.

(b) The authority vested in the Secretary of the Interior by section 1 of the act of July 3, 1918, ch. 128, 40 Stat. 755, as amended, and as affected by section 4(f) of Reorganization Plan No. II, effective July 1, 1939, 53 Stat. 1433 (16 U.S.C. 704), to promulgate regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any migratory bird included in the terms of certain conventions, or any part, nest, or egg thereof.

(c) [Deleted]

[Para. 2(c) deleted by EO 10732 of Oct. 10, 1957, 22 FR 8135, 3 CFR, 1954-1958 Comp., p. 390]

3. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

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4. All actions heretofore taken by the President in respect of the matters affected by this order and in force at the time of the issuance of this order, including regulations prescribed by the President in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until modified or revoked pursuant to the authority conferred by this order.

5. The Secretary of the Interior is hereby authorized to redelegate to the Under Secretary of the Interior any of the authority delegated to the Secretary of the Interior by section 1 of this order.

[Para. 5 added by EO 10732 of Oct. 10, 1957, 22 FR 8135, 3 CFR, 1954-1958 Comp., p. 390]

Executive Order 10264—Transfer of the administration of American Samoa from the Secretary of the Navy to the Secretary of the Interior

SOURCE: The provisions of Executive Order 10264 of June 29, 1951, appear at 16 FR 6417, 3 CFR, 1949-1953 Comp., p. 765, unless otherwise noted.

WHEREAS the Island of Tutuila of the Samoan group and all other islands of the group east of longitude 171 degrees west of Greenwich, known as American Samoa, were placed under the control of the Department of the Navy by Executive Order No. 125-A of February 19, 1900; and

WHEREAS the joint resolution of February 20, 1929, 45 Stat. 1253, provides that until the Congress shall provide for the government of such islands all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States may direct; and

WHEREAS a committee composed of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for American Samoa be transferred to a civilian agency of the Government at the earliest practicable date as determined by the President; and

WHEREAS plans for the orderly transfer of administrative responsibility for American Samoa from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on or about July 1, 1951; and

WHEREAS the transfer of administration of American Samoa from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951, appears to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the said joint resolution of February 20, 1929, and as President of the United States, it is ordered as follows:

1. The administration of American Samoa is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of American Samoa as embodied in the above-mentioned memorandum of understanding between the two departments.

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3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in American Samoa.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive order of February 19, 1900, is revoked, effective July 1, 1951.

Executive Order 10355—Delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes

SOURCE: The provisions of Executive Order 10355 of May 26, 1952, appear at 17 FR 4831, 3 CFR, 1949-1953 Comp., p. 873, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (section 10 of Public Law 248, 82d Congress), and as President of the United States, it is ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, I hereby delegate to the Secretary of the Interior the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 (43 U.S.C. 141), and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States in the continental United States or Alaska for public purposes, including the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.

(b) All orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register,¹ General Services Administration, for filing and for publication in the FEDERAL REGISTER.

(c) No order affecting land under the administrative jurisdiction of any executive department or agency of the Government other than the Department of the Interior shall be issued by the Secretary of the Interior under the authority of this order without the prior approval or concurrence, so far as the order affects such land, of the head of the department or agency concerned, or of such officer of the department or agency concerned as the head thereof may designate for such purpose: *Provided*, that such officer is required to be appointed by the President by and with the advice and consent of the Senate.

(d) Any disagreement between two or more executive departments or agencies with respect to any proposed withdrawal or reservation shall be referred to the Director of the Office of Management and Budget.

¹ EDITORIAL NOTE: Renamed the Office of the Federal Register by order of the General Services Administrator, Feb. 6, 1959. The National Archives and Records Service, the parent agency of the Office of the Federal Register, was a part of the General Services Administration until it was reestablished as an independent agency, the National Archives and Records Administration, by Pub. L. 98-497 (98 Stat. 2280, 44 U.S.C. 101 *et seq.*), effective Apr. 1, 1985.

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for consideration and adjustment. The Director may, in his discretion, submit the matter to the President for his determination.

[Sec. 1(d) amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 2. The Secretary of the Interior is authorized to issue such rules and regulations, and to prescribe such procedures, as he may from time to time deem necessary or desirable for the exercise of the authority delegated to him by this order.

SEC. 3. The Secretary of the Interior is authorized to redelegate the authority delegated to him by this order to one or more of the following-designated officers: the Under Secretary of the Interior and the Assistant Secretaries of the Interior.

SEC. 4. This order supersedes Executive Order No. 9337 of April 24, 1943, entitled "Authorizing the Secretary of the Interior To Withdraw and Reserve Lands of the Public Domain and Other Lands Owned or Controlled by the United States".

Executive Order 10525—Transferring from the Secretary of the Navy to the Secretary of the Interior interest in and control over certain funds

SOURCE: The provisions of Executive Order 10525 of Apr. 1, 1954, appear at 19 FR 1861, 3 CFR, 1954-1958 Comp., p. 186, unless otherwise noted.

By virtue of the authority vested in me as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

The Secretary of the Navy's interest in, and control over, the moneys deposited by him in accordance with the provisions of Executive Order No. 10426 of January 16, 1953, entitled "Setting aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", in a suspense account in the Treasury of the United States, shall hereafter be vested in and exercised by the Secretary of the Interior, in the same manner as in the case of the moneys deposited in a special account in the Treasury of the United States in accordance with the provisions of the notice of the Secretary of the Interior dated December 11, 1950 (15 F.R. 8835), as amended and supplemented, such moneys to be expended or deposited as provided by the Submerged Lands Act (67 Stat. 29) and the Outer Continental Shelf Lands Act (67 Stat. 462).

Executive Order 10602—Designating the Secretary of the Interior as the representative of the President to approve the obligation and expenditure of certain moneys by the government of the Virgin Islands

SOURCE: The provisions of Executive Order 10602 of Mar. 23, 1955, appear at 20 FR 1795, 3 CFR, 1954-1958 Comp., p. 246, unless otherwise noted.

By virtue of the authority vested in me by section 7652 (b) (3) of the Internal Revenue Code of 1954 (Public Law 591, 83rd Congress, 68A Stat. 907), I hereby designate the Secretary of the Interior as the representative of the President to approve the obligation and expenditure by

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the government of the Virgin Islands of the moneys referred to in the said section 7652 (b) (3).

Executive Order 10752—Designating the Secretary of the Interior to execute certain powers and functions vested in the President by the act of February 22, 1935, 49 Stat. 30, as amended

SOURCE: The provisions of Executive Order 10752 of Feb. 12, 1958, appear at 23 FR 973, 3 CFR, 1954-1958 Comp., p. 405, unless otherwise noted.

By virtue of the authority vested in me by section 11 of the act of February 22, 1935, 49 Stat. 33 (15 U.S.C. 715j), and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of the Interior is hereby designated and appointed as the agent of the President for the execution of all the powers and functions vested in the President by the act of February 22, 1935, 49 Stat. 30, entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," as amended (15 U.S.C. 715 *et seq.*), except those vested in the President by section 4 of the act (15 U.S.C. 715c).

SEC. 2. The Secretary of the Interior may make such provisions in the Department of the Interior as he may deem appropriate to administer the said act.

SEC. 3. This Executive order supersedes Executive Order No. 6979 of February 28, 1935, Executive Order No. 7756 of December 1, 1937 (2 F.R. 2664), Executive Order No. 9732 of June 3, 1946 (11 F.R. 5985), and paragraph (q) of section 1 of Executive Order No. 10250 of June 5, 1951 (16 F.R. 5385).

Executive Order 10950—Designating the Secretary of the Interior as the representative of the President to approve selections by the State of Alaska of public lands lying north and west of the National Defense Withdrawal Line

SOURCE: The provisions of Executive Order 10950 of June 27, 1961, appear at 26 FR 5787, 3 CFR, 1959-1963 Comp., p. 478, unless otherwise noted.

By virtue of the authority vested in me by section 6(b) of the Alaska Statehood Act of July 7, 1953 (72 Stat. 339), and as President of the United States, I hereby designate the Secretary of the Interior as my representative to exercise the authority vested in me by section 6(b) of the act to approve selections of land made by the State of Alaska under the provisions of section 6(b) in instances in which those selections include land lying north and west of the line described in section 10(b) of the act: *Provided*, That no selection by the State shall be approved pursuant to this order, in whole or in part, without the concurrence of the Secretary of Defense or his designated representative.

As the Secretary of the Interior may direct, the Under Secretary of the Interior, an Assistant Secretary of the Interior, the Director of the Bureau of Land Management, or the Operations Supervisors of the Bureau of Land Management in Alaska are severally authorized to exercise the authority vested in the Secretary by this order.

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Executive Order 10967—Administration of Palmyra Island

SOURCE: The provisions of Executive Order 10967 of Oct. 10, 1961, appear at 26 FR 3 CFR, 1959-1963 Comp., p. 490, unless otherwise noted.

By virtue of the authority vested in me by section 46 of the Hawaii Admission Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior shall be responsible for the administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 2. The executive, legislative, and judicial authority provided for in section 1 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, through such officers or employees of the United States not under administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. The Secretary of the Interior may confer upon the United States District Court for the District of Hawaii such jurisdiction, in addition to that contained in the Act of June 15, 1950, and such judicial functions and duties, as he may deem appropriate for the civil administration of Palmyra Island.

SEC. 4. The foregoing provisions of this order shall continue in force until the Congress shall provide for the civil administration of Palmyra Island and until such earlier time as the President may specify.

SEC. 5. As used herein, the term "Palmyra Island" means the place of that name, consisting of a group of islets located in the Pacific Ocean approximately at Latitude 5° 52' North and Longitude 162° 06' West, and includes the territorial waters of that place and includes also the reefs surrounding that place or any part thereof.

SEC. 6. To the extent that any prior Executive order or proclamation inconsistent with the provisions of this order, this order shall control.

SEC. 7. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the Act of June 15, 1950, or under the provisions of section 3 of this order.

Executive Order 11021—Administration of the Trust Territory of the Pacific Islands by the Secretary of the Interior

SOURCE: The provisions of Executive Order 11021 of May 7, 1962, appear at 27 FR 9, 3 CFR, 1959-1963 Comp., p. 600, unless otherwise noted.

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WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9873 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except the Island of Rota and the Secretary of the Interior is responsible for the civil administration of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory;

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

SECTION 1. *Responsibility of Secretary of the Interior.* The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative, and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: *Provided however*, That the authority to specify parts of all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further*, That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

SEC. 2. *Redelegation of authority.* The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such officers or employees of the Department of the Interior

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or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize, except that the Secretary may, with the approval of the Secretary of the Treasury, delegate to the Secretary of the Treasury so much of this authority as is necessary to effectuate the purposes of Section 606(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241, 90 Stat. 263, 48 U.S.C. 1681 note), which authority is to be exercised in such manner as shall be agreed upon by the Secretary of the Interior and the Secretary of the Treasury.

[Sec. 2 amended by EO 11944 of Oct. 25, 1976, 41 FR 47215, 3 CFR, 1976 Comp., p. 156]

SEC. 3. Cooperation with Department of the Interior. The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

SEC. 4. Prior orders. To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded:

- (1) Executive Order No. 10265 of June 29, 1951.
- (2) Executive Order No. 10408 of November 10, 1952.
- (3) Executive Order No. 10470 of July 17, 1953.

SEC. 5. Saving provisions. (a) Existing laws, regulations, orders, appointments, or other acts promulgated, made, or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect immediately prior to the effective date of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligation of the United States under the provisions of the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

SEC. 6. Effective date. The provisions of this order shall become effective on July 1, 1962.

Executive Order 11200—Providing for establishing user fees pursuant to the Land and Water Conservation Fund Act of 1965

SOURCE: The provisions of Executive Order 11200 of Feb. 26, 1965, appear at 30 FR 2645, 3 CFR, 1964-1965 Comp., p. 282, unless otherwise noted.

WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport

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Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

WHEREAS the Act of May 28, 1963, 77 Stat. 49, vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

WHEREAS it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

WHEREAS the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88-578; 78 Stat. 897 (hereafter in this order referred to as "the Act");

NOW, THEREFORE, by virtue of the authority vested in me by the Act, by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) all areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act, as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, beginning January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged.

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(2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c) (1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* (a) Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, established a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fees, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fee. The Secretary of the Interior shall also prescribe

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the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall, after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act and the provisions of this Order.

(b) (1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the Act.

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which pro-

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hibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provision shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

Executive Order 11487—Designation of officers of the Department of the Interior to act as Secretary of the Interior

SOURCE: The provisions of Executive Order 11487 of Oct. 6, 1969, appear at 34 FR 15993, 3 CFR, 1966–1970, Comp., p. 818, unless otherwise noted.

By virtue of the authority vested in me by section 3347 of title 5 of the United States Code and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. During any period when by reason of absence, disability, or vacancy in office, neither the Secretary of the Interior nor the Under Secretary of the Interior is available to exercise the powers or perform the duties of the office of Secretary, an Assistant Secretary of the Interior or the Solicitor of the Department of the Interior, in such order as the Secretary of the Interior may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, they shall act as Secretary in the order in which they shall have taken office as Assistant Secretaries or Solicitor.

SEC. 2. This order supersedes Executive Order No. 10753 of February 15, 1958, entitled "Designation of certain officers of the Department of the Interior to act as Secretary of the Interior."

Executive Order 11644—Use of off-road vehicles on the public lands

SOURCE: The provisions of Executive Order 11644 of Feb. 8, 1972, appear at 37 FR 2877, 3 CFR, 1971–1975 Comp., p. 666, unless otherwise noted.

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trial bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect

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the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky, Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for use capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for military defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

[Sec. 2 amended by EO 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation for all public lands shall be completed. Those regulations shall direct the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, timber, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or life or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses on the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, National Areas, or National Monuments.

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Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Secretary of Energy and the Nuclear Regulatory Commission.

[Sec. 7 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

SEC. 9. *Special Protection of the Public Lands.* (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed

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to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

[Sec. 9 added by EO 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

Executive Order 12572—Relations with the Northern Mariana Islands

SOURCE: The provisions of Executive Order 12572 of Nov. 3, 1986, appear at 51 FR 40401, 3 CFR, 1986 Comp., p. 239, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that, consistent with the Joint Resolution to approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), the relations of the United States with the Government of the Northern Mariana Islands shall, in all matters not the program responsibility of another Federal department or agency, be under the general administrative supervision of the Secretary of the Interior.

CHAPTER 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Executive Orders

- 10222 Providing for certain transfers to the Federal Civil Defense Administration
- 11179 Providing for the National Defense Executive Reserve
- 11795 Delegating disaster relief functions pursuant to the Disaster Relief Act of 1974
- 12127 Federal Emergency Management Agency
- 12148 Federal emergency management
- 12241 National Contingency Plan
- 12656 Assignment of emergency preparedness responsibilities
- 12657 Federal Emergency Management Agency assistance in emergency preparedness planning at commercial nuclear power plants
- 12658 President's Commission on Catastrophic Nuclear Accidents

Executive Order 10222—Providing for certain transfers to the Federal Civil Defense Administration

SOURCE: The provisions of Executive Order 10222 of Mar. 8, 1951, appear at 16 FR 2247, 3 CFR, 1949-1953 Comp., p. 736, unless otherwise noted.

By virtue of the authority vested in me by section 404 of the Federal Civil Defense Act of 1950 (Public Law 920, 81st Congress), and as President of the United States, it is ordered as follows:

1. So much of the health services and special weapons defense functions now being performed by the Health Resources Office of the National Security Resources Board as relates to civil defense is hereby transferred to the Federal Civil Defense Administration¹ and shall

¹ EDITORIAL NOTE: The Federal Civil Defense Administration was terminated and its functions were consolidated with the Office of Defense Mobilization into the Office of Defense and Civilian Mobilization by Reorganization Plan No. 1 of 1958, 23 FR 4991, 3 CFR, 1954-1958 Comp., p. 447, effective July 1, 1958. The Office of Defense and Civilian Mobilization was redesignated as the Office of Civil and Defense Mobilization by Pub. L. 85-763 (72 Stat. 861, 50 U.S.C. App. 2271 nt.). Civil defense functions were later transferred to the Secretary of Defense by Executive Order 10952 of July 20, 1961, 26 FR 6577, 3 CFR, 1959-1963 Comp., p. 479, and the remaining organization was redesignated as the Office of Emergency Planning by Pub. L. 87-296 (75 Stat. 630, 50 U.S.C. App.

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remain under the jurisdiction of the Federal Civil Defense Administrator until further order of the President.

2. There shall be transferred to the Federal Civil Defense Administration such of the property and records of the National Security Resources Board as relate, as determined jointly by the Chairman of the National Security Resources Board and the Federal Civil Defense Administrator, to the functions transferred by the provisions of paragraph 1 of this order or to other functions now vested in the Federal Civil Defense Administration, and such of the personnel of the Health Resources Office of the National Security Resources Board as the said Chairman and Administrator shall jointly determine to be engaged primarily in the performance of the said transferred functions.

3. This order shall be effective as of March 4, 1951.

Executive Order 11179—Providing for the National Defense Executive Reserve

SOURCE: The provisions of Executive Order 11179 of Sept. 22, 1964, appear at 29 FR 13239, 3 CFR, 1964-1965 Comp., p. 246, unless otherwise noted.

CROSS REFERENCE: Executive Order 11725 of June 27, 1973, 38 FR 17175, 3 CFR, 1970-1975 Comp., p. 779, which was revoked by Executive Order 12148 of July 20, 1979, this chapter, p. 881, transferred certain functions under Executive Order 11179 to the Administrator of General Services.

By virtue of the authority vested in me by the Constitution and statutes of the United States, including Sections 703(a) and 710(e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2153(a), 2160(e)), and as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the Executive Branch of the Government a National Defense Executive Reserve composed of persons selected from various segments of the civilian economy and from government for training for employment in executive positions in the Federal Government in the event of the occurrence of an emergency that requires such employment.

SEC. 2. The Director of the Federal Emergency Management Agency (hereinafter referred to as the Director) shall administer the Executive Reserve program; coordinate the activities of other agencies in establishing units of the Reserve; provide for appropriate standards of recruitment and training; approve prospective members of the Executive Reserve; and issue necessary rules and regulations in connection with the program.

[Sec. 2 amended by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 3. The Director, in carrying out his responsibilities under this order, may utilize the services of other departments and agencies in the

2271 nt.). The Office of Emergency Planning, which was renamed as the Office of Emergency Preparedness by Pub. L. 90-608 (82 Stat. 1194, 50 U.S.C. App. 2271 nt.), was later terminated by Reorganization Plan No. 1 of 1973, 38 FR 9579, 3 CFR, 1971-1975 Comp., p. 1157, effective July 1, 1973, and its functions were transferred to the Department of the Treasury, Department of Housing and Urban Development, and the General Services Administration.

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maintenance of agency and centralized rosters and in the development of training programs and materials.

SEC. 4. (a) The head of any department or agency of the Government (hereinafter referred to as a Secretary), designated by the Director after appropriate consultation, may establish a unit of the Executive Reserve (hereinafter referred to as Executive Reserve Units) in his respective department or agency.

(b) Executive Reserve Units existing under Executive Order No. 10660 of February 15, 1956, as amended, on the date of this order shall henceforth be deemed to be Executive Reserve Units under this order.

SEC. 5. Membership in Executive Reserve Units shall be subject to the following:

(1) Subject to the provisions of this order, particularly paragraph (4) of this section, an individual who on the date of this order was a member of an Executive Reserve Unit under Executive Order No. 10660 may continue to serve therein without further designation.

(2) A Secretary desiring to designate an individual to serve as a member of an Executive Reserve Unit of his department or agency shall submit the name of the prospective designee to the Director for approval. Upon approval of the prospective designee by the Director, the Secretary concerned may designate the individual as a member of the Executive Reserve Unit of his department or agency.

(3) An individual whose membership in an Executive Reserve Unit has at any time expired, or is at any time about to expire, under the terms of this order may be redesignated as a member under the procedure set forth in paragraph (2) of this section.

(4) Without limiting the authority of the respective Secretaries to terminate the membership of any individual in an Executive Reserve Unit at any time, it is directed that continued service of a member under paragraph (1) of this section, and the designation or redesignation of a member under paragraph (2) or (3) of this section, respectively (including any designation of an individual occurring at the expiration of his continued service under paragraph (1)), shall be for a period not to exceed three years.

SEC. 6. Activities of any person by reason of his continuance, designation, or redesignation as an Executive Reservist under this order shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for mobilization assignments under the Reserve program.

SEC. 7. The Director shall report to the President annually, and at such other times as may be appropriate, on the status and operation of the Executive Reserve program.

SEC. 8. Executive Order No. 10660 of February 15, 1956, entitled "Providing for the Establishment of a National Defense Executive Reserve," as amended, is hereby superseded.

Executive Order 11795—Delegating disaster relief functions pursuant to the Disaster Relief Act of 1974

SOURCE: The provisions of Executive Order 11795 of July 11, 1974, appear at 39 FR 25939, 3 CFR, 1971-1975 Comp., p. 887, unless otherwise noted.

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By virtue of the authority vested in me by the Disaster Relief Act of 1974 (Public Law 93-288; 88 Stat. 143), section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. [Revoked]

[Sec. 1 revoked by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 2. [Revoked]

[Sec. 2 revoked by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

SEC. 3. The Secretary of Agriculture is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 409 of the act concerning food coupons and distribution.

SEC. 4. [Revoked]

[Sec. 4 revoked by EO 12148 of July 20, 1979, 44 FR 43239, 3 CFR, 1979 Comp., p. 412]

Executive Order 12127—Federal Emergency Management Agency

SOURCE: The provisions of Executive Order 12127 of Mar. 31, 1979, appear at 44 FR 19367, 3 CFR, 1979 Comp., p. 376, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978, and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

1-101. Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

1-102. The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

1-103. (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*), but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 2701 and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorgan-

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Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1-104. The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1701d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National Housing Act, as amended (12 U.S.C. 1749bbb *et seq.*, and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

1-105. The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1-106. This Order shall be effective Sunday, April 1, 1979.

Executive Order 12148—Federal emergency management

SOURCE: The provisions of Executive Order 12148 of July 20, 1979, appear at 44 FR 239, 3 CFR, 1979 Comp., p. 412, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), the Disaster Relief Act of 1970, as amended (42 U.S.C. Chapter 58 note), the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121 *et seq.*), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), Section 4 of Public Law 92-385 (86 Stat. 556), Section 43 of the Act of August 10, 1956, as amended (50 U.S.C. App. 2285), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 *et seq.*), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 1101(c)), and Section 301 of Title 3 of the United States Code, and in order to transfer emergency functions to the Federal Emergency Management Agency, it is hereby ordered as follows:

SECTION 1. TRANSFERS OR REASSIGNMENTS

1-1. *Transfer or Reassignment of Existing Functions.*

1-101. All functions vested in the President that have been delegated assigned to the Defense Civil Preparedness Agency, Department of Defense, are transferred or reassigned to the Director of the Federal Emergency Management Agency.

1-102. All functions vested in the President that have been delegated assigned to the Federal Disaster Assistance Administration, Department of Housing and Urban Development, are transferred or reassigned to the Director of the Federal Emergency Management Agency.

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ment of Housing and Urban Development, are transferred or reassigned to the Director of the Federal Emergency Management Agency, including any of those functions redelegated or reassigned to the Department of Commerce with respect to assistance to communities in the development of readiness plans for severe weather-related emergencies.

1-103. All functions vested in the President that have been delegated or assigned to the Federal Preparedness Agency, General Services Administration, are transferred or reassigned to the Director of the Federal Emergency Management Agency.

1-104. All functions vested in the President by the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), including functions performed by the Office of Science and Technology Policy, are delegated, transferred, or reassigned to the Director of the Federal Emergency Management Agency.

1-2. *Transfer or Reassignment of Resources.*

1-201. The records, property, personnel and positions, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Director of the Federal Emergency Management Agency.

1-202. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SECTION 2. MANAGEMENT OF EMERGENCY PLANNING AND ASSISTANCE

2-1. *General.*

2-101. The Director of the Federal Emergency Management Agency shall establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies.

2-102. The Director shall periodically review and evaluate the efficiency of defense and civil emergency functions of the Executive agencies in order to improve the efficiency and effectiveness of those functions. The Director shall recommend to the President alternative methods of providing Federal planning, management, mitigation, and assistance.

2-103. The Director shall be responsible for the coordination of efforts to promote dam safety, for the coordination of natural and nuclear disaster warning systems, and for the coordination of preparedness planning to reduce the consequences of major terrorist incidents.

2-104. The Director shall represent the President in working with State and local governments and private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response, and recovery programs.

2-105. The Director shall provide an annual report to the President for subsequent transmittal to the Congress on the functions of the Federal Emergency Management Agency. The report shall assess the current overall state of effectiveness of Federal civil defense and civil emergency functions, organizations, resources, and systems and recommend

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ment measures to be taken to improve planning, management, assistance, and relief by all levels of government, the private sector, and volunteer organizations.

2-2. *Implementation.*

2-201. In executing the functions under this Order, the Director shall develop policies which provide that all civil defense and civil emergency functions, resources, and systems of Executive agencies are:

(a) founded on the use of existing organizations, resources, and systems to the maximum extent practicable;

(b) integrated effectively with organizations, resources, and programs of State and local governments, the private sector and volunteer organizations; and

(c) developed, tested and utilized to prepare for, mitigate, respond to and recover from the effects on the population of all forms of emergencies.

2-202. Assignments of civil emergency functions shall, whenever possible, be based on extensions (under emergency conditions) of the regular missions of the Executive agencies.

2-203. For purposes of this Order, "civil emergency" means any accidental, natural, man-caused, or wartime emergency or threat thereof, which causes or may cause substantial injury or harm to the population or substantial damage to or loss of property.

2-204. In order that civil defense planning continues to be fully compatible with the Nation's overall strategic policy, and in order to maintain an effective link between strategic nuclear planning and nuclear attack preparedness planning, the development of civil defense policies and programs by the Director of the Federal Emergency Management Agency shall be subject to oversight by the Secretary of Defense and the National Security Council.

2-205. To the extent authorized by law and within available resources, the Secretary of Defense shall provide the Director of the Federal Emergency Management Agency with support for civil defense programs in the areas of program development and administration, technical support, research, communications, transportation, intelligence, and emergency operations.

2-206. All Executive agencies shall cooperate with and assist the Director in the performance of his functions.

2-3. *Transition Provisions.*

2-301. The functions which have been transferred, reassigned, or re-delegated by Section 1 of this Order are recodified and revised as set forth in this Order at Section 4, and as provided by the amendments made at Section 5 to the provisions of other Orders.

2-302. Notwithstanding the revocations, revisions, codifications, and amendments made by this Order, the Director may continue to perform the functions transferred to him by Section 1 of this Order, except where they may otherwise be inconsistent with the provisions of this Order.

SECTION 3. FEDERAL EMERGENCY MANAGEMENT COUNCIL

3-1. *Establishment of the Council.*

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3-101. There is hereby established the Emergency Management Council.

3-102. The Council shall be composed of the Director of the Federal Emergency Management Agency, who shall be the Chairman, the Director of the Office of Management and Budget and such others as the President may designate.

3-2. *Functions of the Council.*

3-201. The Council shall advise and assist the President in the oversight and direction of Federal emergency programs and policies.

3-202. The Council shall provide guidance to the Director of the Federal Emergency Management Agency in the performance of functions vested in him.

3-3. *Administrative and General Provisions.*

3-301. The heads of Executive agencies shall cooperate with and assist the Council in the performance of its functions.

3-302. The Director of the Federal Emergency Management Agency shall provide the Council with such administrative services and support as may be necessary or appropriate.

SECTION 4. DELEGATIONS

4-1. *Delegation of Functions Transferred to the President.*

4-101. [Revoked]

[Sec. 4-101 revoked by EO 12155 of Sept. 10, 1979, 44 FR 53071, 3 CFR, 1979 Comp., p. 426]

4-102. The functions vested in the Director of the Office of Defense Mobilization by Sections 103 and 303 of the National Security Act of 1947, as amended by Sections 8 and 50 of the Act of September 3, 1954 (Public Law 779; 68 Stat. 1228 and 1244) (50 U.S.C. 404 and 405), were transferred to the President by Section 1(a) of Reorganization Plan No. 1 of 1958, as amended (50 U.S.C. App. 2271 note), and they are hereby delegated to the Director of the Federal Emergency Management Agency.

4-103. (a) The functions vested in the Federal Civil Defense Administration or its Administrator by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), were transferred to the President by Reorganization Plan No. 1 of 1958, and they are hereby delegated to the Director of the Federal Emergency Management Agency.

(b) Excluded from the delegation in subsection (a) is the function under Section 205(a)(4) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2286(a)(4)), relating to the establishment and maintenance of personnel standards on the merit basis that was delegated to the Director of the Office of Personnel Management by Section 1(b) of Executive Order No. 11589, as amended (Section 2-101(b) of Executive Order No. 12107).

4-104. The Director of the Federal Emergency Management Agency is authorized to redelegate, in accord with the provisions of Section 1(b) of Reorganization Plan No. 1 of 1958 (50 U.S.C. App. 2271 note), any of the functions delegated by Sections 4-101, 4-102, and 4-103 of this Order.

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4-105. The functions vested in the Administrator of the Federal Civil Defense Administration by Section 43 of the Act of August 10, 1956 (70A Stat. 636) were transferred to the President by Reorganization Plan No. 1 of 1958, as amended (50 U.S.C. App. 2271 note), were subsequently revested in the Director of the Office of Civil and Defense Mobilization by Section 512 of Public Law 86-500 (50 U.S.C. App. 2285) [the office was changed to Office of Emergency Planning by Public Law 87-296 (75 Stat. 630) and to the Office of Emergency Preparedness by Section 402 of Public Law 90-608 (82 Stat. 1194)], were again transferred to the President by Section 1 of Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), and they are hereby delegated to the Director of the Federal Emergency Management Agency.

4-106. The functions vested in the Director of the Office of Emergency Preparedness by Section 16 of the Act of September 23, 1950, as amended (20 U.S.C. 646), and by Section 7 of the Act of September 30, 1950, as amended (20 U.S.C. 241-1), were transferred to the President by Section 1 of Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), and they are hereby delegated to the Director of the Federal Emergency Management Agency.

4-107. That function vested in the Director of the Office of Emergency Preparedness by Section 762(a) of the Higher Education Act of 1965, as added by Section 161(a) of the Education Amendments of 1972, and as further amended (20 U.S.C. 1132d-1(a)), to the extent transferred to the President by Reorganization Plan No. 1 of 1973 (50 U.S.C. App. 2271 note), is hereby delegated to the Director of the Federal Emergency Management Agency.

4-2. Delegation of Functions Vested in the President.

4-201. The functions vested in the President by the Disaster Relief Act of 1970, as amended (42 U.S.C. Chapter 58 note), are hereby delegated to the Director of the Federal Emergency Management Agency.

4-202. The functions (related to grants for damages resulting from hurricane and tropical storm Agnes) vested in the President by Section 4 of Public Law 92-385 (86 Stat. 556) are hereby delegated to the Director of the Federal Emergency Management Agency.

4-203. The functions vested in the President by the Disaster Relief Act of 1974 (42 U.S.C. 5121 *et seq.*), except those functions vested in the President by Sections 301 (relating to the declaration of emergencies and major disasters), 401 (relating to the repair, reconstruction, restoration, or replacement of Federal facilities), and 409 (relating to food coupons and surplus commodities), are delegated to the Director of the Federal Emergency Management Agency.

[Sec. 4-203 amended by EO 12381 of Sept. 8, 1982, 47 FR 39795, 3 CFR, 1982 Comp., p. 207]

4-204. The functions vested in the President by the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), are delegated to the Director of the Federal Emergency Management Agency.

[Sec. 4-204 amended by EO 12381 of Sept. 8, 1982, 47 FR 39795, 3 CFR, 1982 Comp., p. 207]

4-205. Effective July 30, 1979, the functions vested in the President by Section 4(h) of the Commodity Credit Corporation Charter Act, as

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amended (15 U.S.C. 714b(h)), are hereby delegated to the Director of the Federal Emergency Management Agency.

[Sec. 4-205 added by EO 12155 of Sept. 10, 1979, 44 FR 53071, 3 CFR, 1979 Comp., p. 426]

4-206. Effective July 30, 1979, the functions vested in the President by Section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f)), are hereby delegated to the Director of the Federal Emergency Management Agency.

[Sec. 4-206 added by EO 12155 of Sept. 10, 1979, 44 FR 53071, 3 CFR, 1979 Comp., p. 426]

Sec. 4-207. The functions vested in the President by Section 502 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2302), are delegated to the Director of the Federal Emergency Management Agency.

[Sec. 4-207 added by EO 12381 of Sept. 8, 1982, 47 FR 59795, 3 CFR, 1982 Comp., p. 207]

SECTION 5. OTHER EXECUTIVE ORDERS

5-1. Revocations.

5-101. Executive Order No. 10242, as amended, entitled "Prescribing Regulations Governing the Exercise by the Federal Civil Defense Administrator of Certain Administrative Authority Granted by the Federal Civil Defense Act of 1950", is revoked.

5-102. Sections 1 and 2 of Executive Order No. 10296, as amended, entitled "Providing for the Performance of Certain Defense Housing and Community Facilities and Service Functions", are revoked.

5-103. Executive Order No. 10494, as amended, relating to the disposition of remaining functions, is revoked.

5-104. Executive Order No. 10529, as amended, relating to federal employee participation in State and local civil defense programs, is revoked.

5-105. Section 3 of Executive Order No. 10601, as amended, which concerns the Commodity Set Aside, is revoked.

5-106. Executive Order No. 10634, as amended, relating to loans for facilities destroyed or damaged by a major disaster, is revoked.

5-107. Section 4(d)(2) of Executive Order No. 10900, as amended, which concerns foreign currencies made available to make purchases for the supplemental stockpile, is revoked.

5-108. Executive Order 10952, as amended, entitled "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others", is revoked.

5-109. Executive Order 11051, as amended, relating to responsibilities of the Office of Emergency Preparedness, is revoked.

5-110. Executive Order 11415, as amended, relating to the Health Resources Advisory Committee, is revoked.

5-111. Executive Order 11795, as amended, entitled "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974", is revoked, except for Section 3 thereof.

5-112. Executive Order 11725, as amended, entitled "Transfer of Certain Functions of the Office of Emergency Preparedness", is revoked.

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5-113. Executive Order 11749, as amended, entitled "Consolidating Disaster Relief Functions Assigned to the Secretary of Housing and Urban Development" is revoked.

5-2. Amendments.

[Sec. 5-2 amends F. 10421 of Dec. 31, 1952, which was revoked by EO 12656 of Nov. 18, 1988; EO 10480 of Aug. 14, 1953, Chapter 32, p. 533; EO 10582 of Dec. 17, 1954, Chapter 41, p. 829; EO 10789 of Nov. 14, 1958, Chapter 41, p. 832; EO 11179 of Sept. 22, 1964, this chapter, p. 878; EO 11331 of Mar. 6, 1967, which was revoked by EO 12319 of Sept. 14, 1981; EO 11345 of Apr. 20, 1967, which was revoked by EO 12319 of Sept. 14, 1981; EO 11371 of Sept. 6, 1967, which was revoked by EO 12319 of Sept. 14, 1981; EO 11490 of Oct. 28, 1969, which was revoked by EO 12656 of Nov. 18, 1988; EO 11578 of Jan. 13, 1971, which was revoked by EO 12319 of Sept. 14, 1981; EO 11658 of Mar. 22, 1972, which was revoked by EO 12319 of Sept. 14, 1981; EO 11659 of Mar. 22, 1972, which was revoked by EO 12319 of Sept. 14, 1981; EO 11912 of Apr. 13, 1976, Chapter 10, p. 187; EO 11988 of May 24, 1977, Chapter 40, p. 804; EO 12046 of Mar. 27, 1978, Chapter 47, p. 937; EO 12065 of June 28, 1978, which was revoked by EO 12356 of Apr. 2, 1982; EO 12075 of Aug. 16, 1978, which was revoked by EO 12379 of Aug. 17, 1982; EO 12083 of Sept. 27, 1978, which was revoked by EO 12379 of Aug. 17, 1982; and Sec. 911(b) of Civil Service Rule 9, codified at 5 CFR Part 9. The amendments have been incorporated into the orders codified in this volume.]

SECTION 6. This Order is effective July 15, 1979.

Executive Order 12241—National Contingency Plan

SOURCE: The provisions of Executive Order 12241 of Sept. 29, 1980, appear at 45 FR 64879, 3 CFR 1980 Comp., p. 282, unless otherwise noted.

By the authority vested in me as President of the United States of America under Section 304 of Public Law 96-295 (94 Stat. 790) and Section 301 of Title 3 of the United States Code, and in order to provide for the publication of a plan to protect the public health and safety in case of accidents at nuclear power facilities, it is hereby ordered as follows:

1-101. The functions vested in the President by Section 304 of Public Law 96-295 (94 Stat. 790) are delegated to the Director, Federal Emergency Management Agency.

1-102. A copy of the National Contingency Plan shall, from time to time, be published in the FEDERAL REGISTER.

Executive Order 12656—Assignment of emergency preparedness responsibilities

SOURCE: The provisions of Executive Order 12656 of Nov. 18, 1988, appear at 53 FR 47491, 3 CFR, 1988 Comp., p. 585, unless otherwise noted.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national security emergency situation that might confront the Nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for

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performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national security emergency preparedness plans and has provided funds for the accomplishment thereof;

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States of America and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered that the responsibilities of the Federal departments and agencies in national security emergencies shall be as follows:

PART 1—PREAMBLE

SECTION 101. *National Security Emergency Preparedness Policy.*

(a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and administering such policy. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States.

(b) Effective national security emergency preparedness planning requires: identification of functions that would have to be performed during such an emergency; development of plans for performing these functions; and development of the capability to execute those plans.

SEC. 102. *Purpose.*

(a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies.

(b) This Order does not constitute authority to implement the plans prepared pursuant to this Order. Plans so developed may be executed only in the event that authority for such execution is authorized by law.

SEC. 103. *Scope.*

(a) This Order addresses national security emergency preparedness functions and activities. As used in this Order, preparedness functions and activities include, as appropriate, policies, plans, procedures, and readiness measures that enhance the ability of the United States Government to mobilize for, respond to, and recover from a national security emergency.

(b) This Order does not apply to those natural disasters, technological emergencies, or other emergencies, the alleviation of which is normally the responsibility of individuals, the private sector, volunteer organizations, State and local governments, and Federal departments and

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agencies unless such situations also constitute a national security emergency.

(c) This Order does not require the provision of information concerning, or evaluation of, military policies, plans, programs, or states of military readiness.

(d) This Order does not apply to national security emergency preparedness telecommunications functions and responsibilities that are otherwise assigned by Executive Order 12472.

SEC. 104. *Management of National Security Emergency Preparedness.*

(a) The National Security Council is the principal forum for consideration of national security emergency preparedness policy.

(b) The National Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and the Federal judiciary on national security-emergency preparedness matters.

(c) The Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. Pursuant to such procedures for the organization and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council on implementation of national security emergency preparedness policy.

(d) National security emergency preparedness functions that are shared by more than one agency shall be coordinated by the head of the Federal department or agency having primary responsibility and shall be supported by the heads of other departments and agencies having related responsibilities.

(e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

(f) Plans and procedures will be designed and developed to provide maximum flexibility to the President for his implementation of emergency actions.

SEC. 105. *Interagency Coordination.*

(a) All appropriate Cabinet members and agency heads shall be consulted regarding national security emergency preparedness programs and policy issues. Each department and agency shall support interagency coordination to improve preparedness and response to a national security emergency and shall develop and maintain decentralized capabilities wherever feasible and appropriate.

(b) Each Federal department and agency shall work within the framework established by, and cooperate with those organizations assigned responsibility in, Executive Order No. 12472 to ensure adequate

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national security emergency preparedness telecommunications in support of the functions and activities addressed by this Order.

PART 2—GENERAL PROVISIONS

SEC. 201. *General.* The head of each Federal department and agency, as appropriate, shall:

(1) Be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation;

(2) Consider national security emergency preparedness factors in the conduct of his or her regular functions, particularly those functions essential in time of emergency. Emergency plans and programs, and an appropriate state of readiness, including organizational infrastructure, shall be developed as an integral part of the continuing activities of each Federal department and agency;

(3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements;

(4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

(a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies;

(b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;

(5) Base national security emergency preparedness measures on the use of existing authorities, organizations, resources, and systems to the maximum extent practicable;

(6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive orders, take appropriate measures toward acquiring those authorities;

(7) Make policy recommendations to the National Security Council regarding national security emergency preparedness activities and functions of the Federal Government;

(8) Coordinate with State and local government agencies and other organizations, including private sector organizations, when appropriate. Federal plans should include appropriate involvement of and reliance upon private sector organizations in the response to national security emergencies;

(9) Assist State, local, and private sector entities in developing plans for mitigating the effects of national security emergencies and for providing services that are essential to a national response;

(10) Cooperate, to the extent appropriate, in compiling, evaluating, and exchanging relevant data related to all aspects of national security emergency preparedness;

(11) Develop programs regarding congressional relations and public information that could be used during national security emergencies;

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(12) Ensure a capability to provide, during a national security emergency, information concerning Acts of Congress, presidential proclamations, Executive orders, regulations, and notices of other actions to the Archivist of the United States, for publication in the FEDERAL REGISTER, or to each agency designated to maintain the FEDERAL REGISTER in an emergency;

(13) Develop and conduct training and education programs that incorporate emergency preparedness and civil defense information necessary to ensure an effective national response;

(14) Ensure that plans consider the consequences for essential services provided by State and local governments, and by the private sector, if the flow of Federal funds is disrupted;

(15) Consult and coordinate with the Director of the Federal Emergency Management Agency to ensure that those activities and plans are consistent with current National Security Council guidelines and policies.

SEC. 202. *Continuity of Government.* The head of each Federal department and agency shall ensure the continuity of essential functions in any national security emergency by providing for: succession to office and emergency delegation of authority in accordance with applicable law; safekeeping of essential resources, facilities, and records; and establishment of emergency operating capabilities.

SEC. 203. *Resource Management.* The head of each Federal department and agency, as appropriate within assigned areas of responsibility, shall:

(1) Develop plans and programs to mobilize personnel (including reservist programs), equipment, facilities, and other resources;

(2) Assess essential emergency requirements and plan for the possible use of alternative resources to meet essential demands during and following national security emergencies;

(3) Prepare plans and procedures to share between and among the responsible agencies resources such as energy, equipment, food, land, materials, minerals, services, supplies, transportation, water, and workforce needed to carry out assigned responsibilities and other essential functions, and cooperate with other agencies in developing programs to ensure availability of such resources in a national security emergency;

(4) Develop plans to set priorities and allocate resources among civilian and military claimants;

(5) Identify occupations and skills for which there may be a critical need in the event of a national security emergency.

SEC. 204. *Protection of Essential Resources and Facilities.* The head of each Federal department and agency, within assigned areas of responsibility, shall:

(1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency;

(2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential military and civilian needs and to integrate preparedness and response strategies and procedures;

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(3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies.

SEC. 205. *Federal Benefit, Insurance, and Loan Programs.* The head of each Federal department and agency that administers a loan, insurance, or benefit program that relies upon the Federal Government payment system shall coordinate with the Secretary of the Treasury in developing plans for the continuation or restoration, to the extent feasible, of such programs in national security emergencies.

SEC. 206. *Research.* The Director of the Office of Science and Technology Policy and the heads of Federal departments and agencies having significant research and development programs shall advise the National Security Council of scientific and technological developments that should be considered in national security emergency preparedness planning.

SEC. 207. *Redelegation.* The head of each Federal department and agency is hereby authorized, to the extent otherwise permitted by law, to redelegate the functions assigned by this Order, and to authorize successive redelegations to organizations, officers, or employees within that department or agency.

SEC. 208. *Transfer of Functions.* Recommendations for interagency transfer of any emergency preparedness function assigned under this Order or for assignment of any new emergency preparedness function shall be coordinated with all affected Federal departments and agencies before submission to the National Security Council.

SEC. 209. *Retention of Existing Authority.* Nothing in this Order shall be deemed to derogate from assignments of functions to any Federal department or agency or officer thereof made by law.

PART 3—DEPARTMENT OF AGRICULTURE

SEC. 301. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Agriculture shall:

(1) Develop plans to provide for the continuation of agricultural production, food processing, storage, and distribution through the wholesale level in national security emergencies, and to provide for the domestic distribution of seed, feed, fertilizer, and farm equipment to agricultural producers;

(2) Develop plans to provide food and agricultural products to meet international responsibilities in national security emergencies;

(3) Develop plans and procedures for administration and use of Commodity Credit Corporation inventories of food and fiber resources in national security emergencies;

(4) Develop plans for the use of resources under the jurisdiction of the Secretary of Agriculture and, in cooperation with the Secretaries of Commerce, Defense, and the Interior, the Board of Directors of the Tennessee Valley Authority, and the heads of other government entities, plan for the national security emergency management, production, and processing of forest products;

(5) Develop, in coordination with the Secretary of Defense, plans and programs for water to be used in agricultural production and food processing in national security emergencies;

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- 6) In cooperation with Federal, State, and local agencies, develop plans for a national program relating to the prevention and control of diseases in rural areas of the United States caused by the effects of enemy attack or other national security emergencies;
- 7) Develop plans to help provide the Nation's farmers with production resources, including national security emergency financing capabilities;
- 8) Develop plans, in consonance with those of the Department of Health and Human Services, the Department of the Interior, and the Environmental Protection Agency, for national security emergency agricultural health services and forestry, including:
 - a) Diagnosis and control or eradication of diseases, pests, or hazardous agents (biological, chemical, or radiological) against animals, crops, timber, or products thereof;
 - b) Protection, treatment, and handling of livestock and poultry, or products thereof, that have been exposed to or affected by hazardous agents;
 - c) Use and handling of crops, agricultural commodities, timber, and agricultural lands that have been exposed to or affected by hazardous agents; and
 - d) Assuring the safety and wholesomeness, and minimizing losses from hazards, of animals and animal products and agricultural commodities and products subject to continuous inspection by the Department of Agriculture or owned by the Commodity Credit Corporation or by the Department of Agriculture;
- 9) In consultation with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in agriculture-related international civil emergency preparedness planning and related activities.

SEC. 302. *Support Responsibility.* The Secretary of Agriculture shall assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical agricultural materials.

PART 4—DEPARTMENT OF COMMERCE

SEC. 401. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Commerce shall:

- (1) Develop control systems for priorities, allocation, production, and distribution of materials and other resources that will be available to support both national defense and essential civilian programs in a national security emergency;
- (2) In cooperation with the Secretary of Defense and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;
- (3) In cooperation with the Secretary of Defense and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;
- (4) In cooperation with the Secretary of Defense, perform industry analyses to assess capabilities of the commercial industrial base to sup-

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port the national defense, and develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs;

(5) In cooperation with the Secretary of the Treasury, develop plans for providing emergency assistance to the private sector through direct or participation loans for the financing of production facilities and equipment;

(6) In cooperation with the Secretaries of State, Defense, Transportation, and the Treasury, prepare plans to regulate and control exports and imports in national security emergencies;

(7) Provide for the collection and reporting of census information on human and economic resources, and maintain a capability to conduct emergency surveys to provide information on the status of these resources as required for national security purposes;

(8) Develop overall plans and programs to ensure that the fishing industry continues to produce and process essential protein in national security emergencies;

(9) Develop plans to provide meteorological, hydrologic, marine weather, geodetic, hydrographic, climatic, seismic, and oceanographic data and services to Federal, State, and local agencies, as appropriate;

(10) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in industry-related international (NATO and allied) civil emergency preparedness planning and related activities.

SEC. 402. *Support Responsibilities.* The Secretary of Commerce shall:

(1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical materials;

(2) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest and fishery products;

(3) Assist, in consultation with the Secretaries of State and Defense, the Secretary of the Treasury in the formulation and execution of economic measures affecting other nations.

PART 5—DEPARTMENT OF DEFENSE

SEC. 501. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Defense shall:

(1) Ensure military preparedness and readiness to respond to national security emergencies;

(2) In coordination with the Secretary of Commerce, develop, with industry, government, and the private sector, reliable capabilities for the rapid increase of defense production to include industrial resources required for that production;

(3) Develop and maintain, in cooperation with the heads of other departments and agencies, national security emergency plans, programs, and mechanisms to ensure effective mutual support between and among the military, civil government, and the private sector;

(4) Develop and maintain damage assessment capabilities and assist the Director of the Federal Emergency Management Agency and the heads of other departments and agencies in developing and maintaining capabilities to assess attack damage and to estimate the effects of potential attack on the Nation;

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(5) Arrange, through agreements with the heads of other Federal departments and agencies, for the transfer of certain Federal resources to the jurisdiction and/or operational control of the Department of Defense in national security emergencies;

(6) Acting through the Secretary of the Army, develop, with the concurrence of the heads of all affected departments and agencies, overall plans for the management, control, and allocation of all usable waters from all sources within the jurisdiction of the United States. This includes:

(a) Coordination of national security emergency water resource planning at the national, regional, State, and local levels;

(b) Development of plans to assure emergency provision of water from public works projects under the jurisdiction of the Secretary of the Army to public water supply utilities and critical defense production facilities during national security emergencies;

(c) Development of plans to assure emergency operation of waterways and harbors; and

(d) Development of plans to assure the provision of potable water;

(7) In consultation with the Secretaries of State and Energy, the Director of the Federal Emergency Management Agency, and others, as required, develop plans and capabilities for identifying, analyzing, mitigating, and responding to hazards related to nuclear weapons, materials, and devices; and maintain liaison, as appropriate, with the Secretary of Energy and the Members of the Nuclear Regulatory Commission to ensure the continuity of nuclear weapons production and the appropriate allocation of scarce resources, including the recapture of special nuclear materials from Nuclear Regulatory Commission licensees when appropriate;

(8) Coordinate with the Administrator of the National Aeronautics and Space Administration and the Secretary of Energy, as appropriate, to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies;

(9) Develop, in coordination with the Secretary of Labor, the Directors of the Selective Service System, the Office of Personnel Management, and the Federal Emergency Management Agency, plans and systems to ensure that the Nation's human resources are available to meet essential military and civilian needs in national security emergencies;

(10) Develop national security emergency operational procedures, and coordinate with the Secretary of Housing and Urban Development with respect to residential property, for the control, acquisition, leasing, assignment and priority of occupancy of real property within the jurisdiction of the Department of Defense;

(11) Review the priorities and allocations systems developed by other departments and agencies to ensure that they meet Department of Defense needs in a national security emergency; and develop and maintain the Department of Defense programs necessary for effective utilization of all priorities and allocations systems;

(12) Develop, in coordination with the Attorney General of the United States, specific procedures by which military assistance to civilian law enforcement authorities may be requested, considered, and provided;

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(13) In cooperation with the Secretary of Commerce and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;

(14) In cooperation with the Secretary of Commerce and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;

(15) With the assistance of the heads of other Federal departments and agencies, provide management direction for the stockpiling of strategic and critical materials, conduct storage, maintenance, and quality assurance operations for the stockpile of strategic and critical materials, and formulate plans, programs, and reports relating to the stockpiling of strategic and critical materials.

SEC. 502. *Support Responsibilities.* The Secretary of Defense shall:

(1) Advise and assist the heads of other Federal departments and agencies in the development of plans and programs to support national mobilization. This includes providing, as appropriate:

(a) Military requirements, prioritized and time-phased to the extent possible, for selected end-items and supporting services, materials, and components;

(b) Recommendations for use of financial incentives and other methods to improve defense production as provided by law; and

(c) Recommendations for export and import policies;

(2) Advise and assist the Secretary of State and the heads of other Federal departments and agencies, as appropriate, in planning for the protection, evacuation, and repatriation of United States citizens in threatened areas overseas;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(5) In consultation with the Secretaries of State and Commerce, assist the Secretary of the Treasury in the formulation and execution of economic measures that affect other nations;

(6) Support the Secretary of State and the heads of other Federal departments and agencies as appropriate in the formulation and implementation of foreign policy, and the negotiation of contingency and post-emergency plans, intergovernmental agreements, and arrangements with allies and friendly nations, which affect national security;

(7) Coordinate with the Director of the Federal Emergency Management Agency the development of plans for mutual civil-military support during national security emergencies;

(8) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills.

PART 6—DEPARTMENT OF EDUCATION

SEC. 601. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Education shall:

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- (1) Assist school systems in developing their plans to provide for the earliest possible resumption of activities following national security emergencies;
- (2) Develop plans to provide assistance, including efforts to meet shortages of critical educational personnel, to local educational agencies;
- (3) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, for dissemination of emergency preparedness instructional material through educational institutions and the media during national security emergencies.

SEC. 602. *Support responsibilities.* The Secretary of Education shall:

- (1) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills;
- (2) Support the Secretary of Health and Human Services in the development of human services educational and training materials, including self-help program materials for use by human service organizations and professional schools.

PART 7—DEPARTMENT OF ENERGY

SEC. 701. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Energy shall:

- (1) Conduct national security emergency preparedness planning, including capabilities development, and administer operational programs for all energy resources, including:
 - (a) Providing information, in cooperation with Federal, State, and energy industry officials, on energy supply and demand conditions and on the requirements for and the availability of materials and services critical to energy supply systems;
 - (b) In coordination with appropriate departments and agencies and in consultation with the energy industry, develop implementation plans and operational systems for priorities and allocation of all energy resource requirements for national defense and essential civilian needs to assure national security emergency preparedness;
 - (c) Developing, in consultation with the Board of Directors of the Tennessee Valley Authority, plans necessary for the integration of its power system into the national supply system;
- (2) Identify energy facilities essential to the mobilization, deployment, and sustainment of resources to support the national security and national welfare, and develop energy supply and demand strategies to ensure continued provision of minimum essential services in national security emergencies;
- (3) In coordination with the Secretary of Defense, ensure continuity of nuclear weapons production consistent with national security requirements;
- (4) Assure the security of nuclear materials, nuclear weapons, or devices in the custody of the Department of Energy, as well as the security of all other Department of Energy programs and facilities;
- (5) In consultation with the Secretaries of State and Defense and the Director of the Federal Emergency Management Agency, conduct appropriate international liaison activities pertaining to matters within the jurisdiction of the Department of Energy;

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(6) In consultation with the Secretaries of State and Defense, the Director of the Federal Emergency Management Agency, the Members of the Nuclear Regulatory Commission, and others, as required, develop plans and capabilities for identification, analysis, damage assessment, and mitigation of hazards from nuclear weapons, materials, and devices;

(7) Coordinate with the Secretary of Transportation in the planning and management of transportation resources involved in the bulk movement of energy;

(8) At the request of or with the concurrence of the Nuclear Regulatory Commission and in consultation with the Secretary of Defense, recapture special nuclear materials from Nuclear Regulatory Commission licensees where necessary to assure the use, preservation, or safeguarding of such material for the common defense and security;

(9) Develop national security emergency operational procedures for the control, utilization, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Energy;

(10) Manage all emergency planning and response activities pertaining to Department of Energy nuclear facilities.

SEC. 702. *Support Responsibilities.* The Secretary of Energy shall:

(1) Provide advice and assistance, in coordination with appropriate agencies, to Federal, State, and local officials and private sector organizations to assess the radiological impact associated with national security emergencies;

(2) Coordinate with the Secretaries of Defense and the Interior regarding the operation of hydroelectric projects to assure maximum energy output;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Coordinate with the Secretary of Agriculture regarding the emergency preparedness of the rural electric supply systems throughout the Nation and the assignment of emergency preparedness responsibilities to the Rural Electrification Administration.

PART 8—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 801. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Health and Human Services shall:

(1) Develop national plans and programs to mobilize the health industry and health resources for the provision of health, mental health, and medical services in national security emergencies;

(2) Promote the development of State and local plans and programs for provision of health, mental health, and medical services in national security emergencies;

(3) Develop national plans to set priorities and allocate health, mental health, and medical services' resources among civilian and military claimants;

(4) Develop health and medical survival information programs and a nationwide program to train health and mental health professionals and paraprofessionals in special knowledge and skills that would be useful in national security emergencies;

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(5) Develop programs to reduce or eliminate adverse health and mental health effects produced by hazardous agents (biological, chemical, or radiological), and, in coordination with appropriate Federal agencies, develop programs to minimize property and environmental damage associated with national security emergencies;

(6) Develop guidelines that will assure reasonable and prudent standards of purity and/or safety in the manufacture and distribution of food, drugs, biological products, medical devices, food additives, and radiological products in national security emergencies;

(7) Develop national plans for assisting State and local governments in rehabilitation of persons injured or disabled during national security emergencies;

(8) Develop plans and procedures to assist State and local governments in the provision of emergency human services, including lodging, feeding, clothing, registration and inquiry, social services, family reunification and mortuary services and interment;

(9) Develop, in coordination with the Secretary of Education, human services educational and training materials for use by human service organizations and professional schools; and develop and distribute, in coordination with the Director of the Federal Emergency Management Agency, civil defense information relative to emergency human services;

(10) Develop plans and procedures, in coordination with the heads of Federal departments and agencies, for assistance to United States citizens or others evacuated from overseas areas.

SEC. 802. *Support Responsibility.* The Secretary of Health and Human Services shall support the Secretary of Agriculture in the development of plans related to national security emergency agricultural health services.

PART 9—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 901. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Housing and Urban Development shall:

(1) Develop plans for provision and management of housing in national security emergencies, including:

(a) Providing temporary housing using Federal financing and other arrangements;

(b) Providing for radiation protection by encouraging voluntary construction of shelters and voluntary use of cost-efficient design and construction techniques to maximize population protection;

(2) Develop plans, in cooperation with the heads of other Federal departments and agencies and State and local governments, to restore community facilities, including electrical power, potable water, and sewage disposal facilities, damaged in national security emergencies.

PART 10—DEPARTMENT OF THE INTERIOR

SEC. 1001. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Interior shall:

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(1) Develop programs and encourage the exploration, development, and mining of strategic and critical and other nonfuel minerals for national security emergency purposes;

(2) Provide guidance to mining industries in the development of plans and programs to ensure continuity of production during national security emergencies;

(3) Develop and implement plans for the management, control, allocation, and use of public land under the jurisdiction of the Department of the Interior in national security emergencies and coordinate land emergency planning at the Federal, State, and local levels.

SEC. 1002. *Support Responsibilities.* The Secretary of the Interior shall:

(1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical minerals;

(2) Cooperate with the Secretary of Commerce in the identification and evaluation of facilities essential for national security emergencies;

(3) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest products.

PART 11—DEPARTMENT OF JUSTICE

SEC. 1101. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Attorney General of the United States shall:

(1) Provide legal advice to the President and the heads of Federal departments and agencies and their successors regarding national security emergency powers, plans, and authorities;

(2) Coordinate Federal Government domestic law enforcement activities related to national security emergency preparedness, including Federal law enforcement liaison with, and assistance to, State and local governments;

(3) Coordinate contingency planning for national security emergency law enforcement activities that are beyond the capabilities of State and local agencies;

(4) Develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for the control of persons entering or leaving the United States;

(5) Develop plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutions and resources during national security emergencies;

(6) Provide information and assistance to the Federal Judicial branch and the Federal Legislative branch concerning law enforcement, continuity of government, and the exercise of legal authority during National security emergencies;

(7) Develop intergovernmental and interagency law enforcement plans and counterterrorism programs to interdict and respond to terrorism incidents in the United States that may result in a national security emergency or that occur during such an emergency;

(8) Develop intergovernmental and interagency law enforcement plans to respond to civil disturbances that may result in a national security emergency or that occur during such an emergency.

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SEC. 1102. *Support Responsibilities.* The Attorney General of the United States shall:

- (1) Assist the heads of Federal departments and agencies, State and local governments, and the private sector in the development of plans to physically protect essential resources and facilities;
- (2) Support the Secretaries of State and the Treasury in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel, property, and other assets within the jurisdiction of the United States;
- (3) Support the Secretary of the Treasury in developing plans to control the movement of property entering and leaving the United States;
- (4) Support the heads of other Federal departments and agencies and State and local governments in developing programs and plans for identifying fatalities and reuniting families in national security emergencies;
- (5) Support the intelligence community in the planning of its counterintelligence and counterterrorism programs.

PART 12—DEPARTMENT OF LABOR

SEC. 1201. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Labor shall:

- (1) Develop plans and issue guidance to ensure effective use of civilian workforce resources during national security emergencies. Such plans shall include, but not necessarily be limited to:
 - (a) Priorities and allocations, recruitment, referral, training, employment stabilization including appeals procedures, use assessment, and determination of critical skill categories; and
 - (b) Programs for increasing the availability of critical workforce skills and occupations;
- (2) In consultation with the Secretary of the Treasury, develop plans and procedures for wage, salary, and benefit costs stabilization during national security emergencies;
- (3) Develop plans and procedures for protecting and providing incentives for the civilian labor force during national security emergencies;
- (4) In consultation with other appropriate government agencies and private entities, develop plans and procedures for effective labor-management relations during national security emergencies.

SEC. 1202. *Support Responsibilities.* The Secretary of Labor shall:

- (1) Support planning by the Secretary of Defense and the private sector for the provision of human resources to critical defense industries during national security emergencies;
- (2) Support planning by the Secretary of Defense and the Director of Selective Service for the institution of conscription in national security emergencies.

PART 13—DEPARTMENT OF STATE

SEC. 1301. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of State shall:

- (1) Provide overall foreign policy coordination in the formulation and execution of continuity of government and other national security emergency preparedness activities that affect foreign relations;

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(2) Prepare to carry out Department of State responsibilities in the conduct of the foreign relations of the United States during national security emergencies, under the direction of the President and in consultation with the heads of other appropriate Federal departments and agencies, including, but not limited to:

(a) Formulation and implementation of foreign policy and negotiation regarding contingency and post-emergency plans, intergovernmental agreements, and arrangements with United States' allies;

(b) Formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral states;

(c) Formulation and execution of political strategy toward hostile or enemy states;

(d) Conduct of mutual assistance activities;

(e) Provision of foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs;

(f) Protection or evacuation of United States citizens and nationals abroad and safeguarding their property abroad, in consultation with the Secretaries of Defense and Health and Human Services;

(g) Protection of international organizations and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States, in coordination with the Attorney General and the Secretary of the Treasury;

(h) Formulation of policies and provisions for assistance to displaced persons and refugees abroad;

(i) Maintenance of diplomatic and consular representation abroad; and

(j) Reporting of and advising on conditions overseas that bear upon national security emergencies.

SEC. 1302. *Support Responsibilities.* The Secretary of State shall:

(1) Assist appropriate agencies in developing planning assumptions concerning accessibility of foreign sources of supply;

(2) Support the Secretary of the Treasury, in consultation, as appropriate, with the Secretaries of Commerce and Defense, in the formulation and execution of economic measures with respect to other nations;

(3) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(4) Support the Director of the Federal Emergency Management Agency in the coordination and integration of United States policy regarding the formulation and implementation of civil emergency resources and preparedness planning;

(5) Assist the Attorney General of the United States in the formulation of national security emergency plans for the control of persons entering or leaving the United States.

PART 14—DEPARTMENT OF TRANSPORTATION

SEC. 1401. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Transportation shall:

(1) Develop plans to promulgate and manage overall national policies, programs, procedures, and systems to meet essential civil and military transportation needs in national security emergencies;

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(2) Be prepared to provide direction to all modes of civil transportation in national security emergencies, including air, surface, water, pipelines, and public storage and warehousing, to the extent such responsibility is vested in the Secretary of Transportation. This direction may include:

(a) Implementation of priorities for all transportation resource requirements for service, equipment, facilities, and systems;

(b) Allocation of transportation resource capacity; and

(c) Emergency management and control of civil transportation resources and systems, including privately owned automobiles, urban mass transit, intermodal transportation systems, the National Railroad Passenger Corporation and the St. Lawrence Seaway Development Corporation;

(3) Develop plans to provide for the smooth transition of the Coast Guard as a service to the Department of the Navy during national security emergencies. These plans shall be compatible with the Department of Defense planning systems, especially in the areas of port security and military readiness;

(4) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in transportation-related international (including NATO and allied) civil emergency preparedness planning and related activities;

(5) Coordinate with State and local highway agencies in the management of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and publicly owned highway maintenance equipment to assure efficient and safe use of road space during national security emergencies;

(6) Develop plans and procedures in consultation with appropriate agency officials for maritime and port safety, law enforcement, and security over, upon, and under the high seas and waters subject to the jurisdiction of the United States to assure operational readiness for national security emergency functions;

(7) Develop plans for the emergency operation of U.S. ports and facilities, use of shipping resources (U.S. and others), provision of government war risks insurance, and emergency construction of merchant ships for military and civil use;

(8) Develop plans for emergency management and control of the National Airspace System, including provision of war risk insurance and for transfer of the Federal Aviation Administration, in the event of war, to the Department of Defense;

(9) Coordinate the Interstate Commerce Commission's development of plans and preparedness programs for the reduction of vulnerability, maintenance, restoration, and operation of privately owned railroads, motor carriers, inland waterway transportation systems, and public storage facilities and services in national security emergencies.

SEC. 1402. *Support Responsibility.* The Secretary of Transportation shall coordinate with the Secretary of Energy in the planning and management of transportation resources involved in the bulk movement of energy materials.

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PART 15—DEPARTMENT OF THE TREASURY

SEC. 1501. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Treasury shall:

(1) Develop plans to maintain stable economic conditions in a market economy during national security emergencies; emphasize measures to minimize inflation and disruptions; and, minimize reliance on direct controls of the monetary, credit, and financial systems. The plans will include provisions for:

(a) Increasing capabilities to minimize economic dislocations by carrying out appropriate fiscal, monetary, and regulatory policies and reducing susceptibility to manipulated economic pressures;

(b) Providing the Federal Government with efficient and equitable financing sources and payment mechanisms;

(c) Providing fiscal authorities with adequate legal authority to meet resource requirements;

(d) Developing, in consultation with the Board of Governors of the Federal Reserve System, and in cooperation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration Board, the Farm Credit Administration Board and other financial institutions, plans for the continued or resumed operation and liquidity of banks, savings and loans, credit unions, and farm credit institutions, means for the reestablishment of evidence of assets or liabilities, and provisions for currency withdrawals and deposit insurance;

(2) Provide for the protection of United States financial resources including currency and coin production and redemption facilities, Federal check disbursement facilities, and precious monetary metals;

(3) Provide for the preservation of, and facilitate emergency operations of, public and private financial institution systems, and provide for their restoration during or after national security emergencies;

(4) Provide, in coordination with the Secretary of State, for participation in bilateral and multilateral financial arrangements with foreign governments;

(5) Maintain the Federal Government accounting and financial reporting system in national security emergencies;

(6) Develop plans to protect the President, the Vice President, presidential officers in the order of presidential succession, and other persons designated by the President;

(7) Develop plans for restoration of the economy following an emergency for the development of emergency monetary, credit, and Federal benefit payment programs of those Federal departments and agencies that have responsibilities dependent on the policies or capabilities of the Department of the Treasury; and for the implementation of national policies on sharing war losses;

(8) Develop plans for initiating tax changes, waiving regulations in conjunction with the Secretary of Commerce or other guarantying agency, granting or guaranteeing loans for the expansion of industrial capacity, the development of technological processes, or the production or acquisition of essential materials;

(9) Develop plans, in coordination with the heads of other appropriate Federal departments and agencies, to acquire emergency imports, make foreign barter arrangements, or otherwise provide for essential

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material from foreign sources using, as appropriate, the resources of the Export-Import Bank or resources available to the Bank;

(10) Develop plans for encouraging capital inflow and discouraging the flight of capital from the United States and, in coordination with the Secretary of State, for the seizure and administration of assets of enemy aliens during national security emergencies;

(11) Develop plans, in consultation with the heads of appropriate Federal departments and agencies, to regulate financial and commercial transactions with other countries;

(12) Develop plans, in coordination with the Secretary of Commerce and the Attorney General of the United States, to control the movement of property entering or leaving the United States;

(13) Cooperate and consult with the Chairman of the Securities and Exchange Commission, the Chairman of the Federal Reserve Board, the Chairman of the Commodities Futures Trading Commission in the development of emergency financial control plans and regulations for trading of stocks and commodities, and in the development of plans for the maintenance and restoration of stable and orderly markets;

(14) Develop plans, in coordination with the Secretary of State, for the formulation and execution of economic measures with respect to other nations in national security emergencies.

SEC. 1502. *Support Responsibilities.* The Secretary of the Treasury shall:

(1) Cooperate with the Attorney General of the United States on law enforcement activities, including the control of people entering and leaving the United States;

(2) Support the Secretary of Labor in developing plans and procedures for wage, salary, and benefit costs stabilization;

(3) Support the Secretary of State in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel and property or other assets in the United States.

PART 16—ENVIRONMENTAL PROTECTION AGENCY

SEC. 1601. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the Environmental Protection Agency shall:

(1) Develop Federal plans and foster development of State and local plans designed to prevent or minimize the ecological impact of hazardous agents (biological, chemical, or radiological) introduced into the environment in national security emergencies;

(2) Develop, for national security emergencies, guidance on acceptable emergency levels of nuclear radiation, assist in determining acceptable emergency levels of biological agents, and help to provide detection and identification of chemical agents;

(3) Develop, in coordination with the Secretary of Defense, plans to assure the provision of potable water supplies to meet community needs under national security emergency conditions, including claimancy for materials and equipment for public water systems.

SEC. 1602. *Support Responsibilities.* The Administrator of the Environmental Protection Agency shall:

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(1) Assist the heads of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment;

(2) Advise the heads of Federal departments and agencies regarding procedures for assuring compliance with environmental restrictions and for expeditious review of requests for essential waivers.

PART 17—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 1701. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Federal Emergency Management Agency shall:

(1) Coordinate and support the initiation, development, and implementation of national security emergency preparedness programs and plans among Federal departments and agencies;

(2) Coordinate the development and implementation of plans for the operation and continuity of essential domestic emergency functions of the Federal Government during national security emergencies;

(3) Coordinate the development of plans, in cooperation with the Secretary of Defense, for mutual civil-military support during national security emergencies;

(4) Guide and assist State and local governments and private sector organizations in achieving preparedness for national security emergencies, including development of plans and procedures for assuring continuity of government, and support planning for prompt and coordinated Federal assistance to States and localities in responding to national security emergencies;

(5) Provide the President a periodic assessment of Federal, State, and local capabilities to respond to national security emergencies;

(6) Coordinate the implementation of policies and programs for efficient mobilization of Federal, State, local, and private sector resources in response to national security emergencies;

(7) Develop and coordinate with all appropriate agencies civil defense programs to enhance Federal, State, local, and private sector capabilities for national security emergency crisis management, population protection, and recovery in the event of an attack on the United States;

(8) Develop and support public information, education and training programs to assist Federal, State, and local government and private sector entities in planning for and implementing national security emergency preparedness programs;

(9) Coordinate among the heads of Federal, State, and local agencies the planning, conduct, and evaluation of national security emergency exercises;

(10) With the assistance of the heads of other appropriate Federal departments and agencies, develop and maintain capabilities to assess actual attack damage and residual recovery capabilities as well as capabilities to estimate the effects of potential attacks on the Nation;

(11) Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security emergency needs;

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(12) Assist the Secretary of State in coordinating the formulation and implementation of United States policy for NATO and other allied civil emergency planning, including the provision of:

- (a) advice and assistance to the departments and agencies in alliance civil emergency planning matters;
- (b) support to the United States Mission to NATO in the conduct of day-to-day civil emergency planning activities; and
- (c) support facilities for NATO Civil Wartime Agencies in cooperation with the Departments of Agriculture, Commerce, Energy, State, and Transportation.

SEC. 1702. *Support Responsibilities.* The Director of the Federal Emergency Management Agency shall:

- (1) Support the heads of other Federal departments and agencies in preparing plans and programs to discharge their national security emergency preparedness responsibilities, including, but not limited to, such programs as mobilization preparedness, continuity of government planning, and continuance of industry and infrastructure functions essential to national security;
- (2) Support the Secretary of Energy, the Secretary of Defense, and the Members of the Nuclear Regulatory Commission in developing plans and capabilities for identifying, analyzing, mitigating, and responding to emergencies related to nuclear weapons, materials, and devices, including mobile and fixed nuclear facilities, by providing, inter alia, off-site coordination;
- (3) Support the Administrator of General Services in efforts to promote a government-wide program with respect to Federal buildings and installations to minimize the effects of attack and establish shelter management organizations.

PART 18—GENERAL SERVICES ADMINISTRATION

SEC. 1801. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of General Services shall:

- (1) Develop national security emergency plans and procedures for the operation, maintenance, and protection of federally owned and occupied buildings managed by the General Services Administration, and for the construction, alteration, and repair of such buildings;
- (2) Develop national security emergency operating procedures for the control, acquisition, leasing, assignment, and priority of occupancy of real property by the Federal Government, and by State and local governments acting as agents of the Federal Government, except for the military facilities and facilities with special nuclear materials within the jurisdiction of the Departments of Defense and Energy;
- (3) Develop national security emergency operational plans and procedures for the use of public utility services (other than telecommunications services) by Federal departments and agencies, except for Department of Energy-operated facilities;
- (4) Develop plans and operating procedures of government-wide supply programs to meet the requirements of Federal departments and agencies during national security emergencies;

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(5) Develop plans and operating procedures for the use, in national security emergencies, of excess and surplus real and personal property by Federal, State, and local governmental entities;

(6) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, with respect to Federal buildings and installations, to minimize the effects of attack and establish shelter management organizations.

SEC. 1802. *Support Responsibility.* The Administrator of General Services shall develop plans to assist Federal departments and agencies in operation and maintenance of essential automated information processing facilities during national security emergencies.

PART 19—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1901. *Lead Responsibility.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the National Aeronautics and Space Administration shall coordinate with the Secretary of Defense to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies.

PART 20—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 2001. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Archivist of the United States shall:

(1) Develop procedures for publication during national security emergencies of the FEDERAL REGISTER for as broad public dissemination as is practicable of presidential proclamations and Executive orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress;

(2) Develop emergency procedures for providing instructions and advice on the handling and preservation of records critical to the operation of the Federal Government in national security emergencies.

PART 21—NUCLEAR REGULATORY COMMISSION

SEC. 2101. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Members of the Nuclear Regulatory Commission shall:

(1) Promote the development and maintenance of national security emergency preparedness programs through security and safeguards programs by licensed facilities and activities;

(2) Develop plans to suspend any licenses granted by the Commission; to order the operations of any facility licensed under Section 103 or 104; Atomic Energy Act of 1954, as amended (42 U.S.C. 2133 or 2134); to order the entry into any plant or facility in order to recapture special nuclear material as determined under Subsection (3) below; and operate such facilities;

(3) Recapture or authorize recapture of special nuclear materials from licensees where necessary to assure the use, preservation, or safeguard-

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ing of such materials for the common defense and security, as determined by the Commission or as requested by the Secretary of Energy.

SEC. 2102. *Support Responsibilities.* The Members of the Nuclear Regulatory Commission shall:

- (1) Assist the Secretary of Energy in assessing damage to Commission-licensed facilities, identifying useable facilities, and estimating the time and actions necessary to restart inoperative facilities;
- (2) Provide advice and technical assistance to Federal, State, and local officials and private sector organizations regarding radiation hazards and protective actions in national security emergencies.

PART 22—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2201. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Personnel Management shall:

- (1) Prepare plans to administer the Federal civilian personnel system in national security emergencies, including plans and procedures for the rapid mobilization and reduction of an emergency Federal workforce;
- (2) Develop national security emergency work force policies for Federal civilian personnel;
- (3) Develop plans to accommodate the surge of Federal personnel security background and pre-employment investigations during national security emergencies.

SEC. 2202. *Support Responsibilities.* The Director of the Office of Personnel Management shall:

- (1) Assist the heads of other Federal departments and agencies with personnel management and staffing in national security emergencies, including facilitating transfers between agencies of employees with critical skills;
- (2) In consultation with the Secretary of Defense and the Director of Selective Service, develop plans and procedures for a system to control any conscription of Federal civilian employees during national security emergencies.

PART 23—SELECTIVE SERVICE SYSTEM

SEC. 2301. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of Selective Service shall:

- (1) Develop plans to provide by induction, as authorized by law, personnel that would be required by the armed forces during national security emergencies;
- (2) Develop plans for implementing an alternative service program.

PART 24—TENNESSEE VALLEY AUTHORITY

SEC. 2401. *Lead Responsibility.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Board of Directors of the Tennessee Valley Authority shall develop plans and maintain river control operations for the prevention or control of floods affecting the Tennessee River System during national security emergencies.

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SEC. 2402. *Support Responsibilities.* The Board of Directors of the Tennessee Valley Authority shall:

(1) Assist the Secretary of Energy in the development of plans for the integration of the Tennessee Valley Authority power system into nationwide national security emergency programs;

(2) Assist the Secretaries of Defense, Interior, and Transportation and the Chairman of the Interstate Commerce Commission in the development of plans for operation and maintenance of inland waterway transportation in the Tennessee River System during national security emergencies.

PART 25—UNITED STATES INFORMATION AGENCY

SEC. 2501. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the United States Information Agency shall:

(1) Plan for the implementation of information programs to promote an understanding abroad of the status of national security emergencies within the United States;

(2) In coordination with the Secretary of State's exercise of telecommunications functions affecting United States diplomatic missions and consular offices overseas, maintain the capability to provide television and simultaneous direct radio broadcasting in major languages to all areas of the world, and the capability to provide wireless file to all United States embassies during national security emergencies.

SEC. 2502. *Support Responsibility.* The Director of the United States Information Agency shall assist the heads of other Federal departments and agencies in planning for the use of media resources and foreign public information programs during national security emergencies.

PART 26—UNITED STATES POSTAL SERVICE

SEC. 2601. *Lead Responsibility.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Postmaster General shall prepare plans and programs to provide essential postal services during national security emergencies.

SEC. 2602. *Support Responsibilities.* The Postmaster General shall:

(1) Develop plans to assist the Attorney General of the United States in the registration of nationals of enemy countries residing in the United States;

(2) Develop plans to assist the Secretary of Health and Human Services in registering displaced persons and families;

(3) Develop plans to assist the heads of other Federal departments and agencies in locating and leasing privately owned property for Federal use during national security emergencies.

PART 27—VETERANS' ADMINISTRATION

SEC. 2701. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of Veterans' Affairs shall:

(1) Develop plans for provision of emergency health care services to veteran beneficiaries in Veterans' Administration medical facilities, to

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active duty military personnel and, as resources permit, to civilians in communities affected by national security emergencies;

(2) Develop plans for mortuary services for eligible veterans, and advise on methods for interment of the dead during national security emergencies.

SEC. 2702. *Support Responsibilities.* The Administrator of Veterans' Affairs shall:

- (1) Assist the Secretary of Health and Human Services in promoting the development of State and local plans for the provision of medical services in national security emergencies, and develop appropriate plans to support such State and local plans;
- (2) Assist the Secretary of Health and Human Services in developing national plans to mobilize the health care industry and medical resources during national security emergencies;
- (3) Assist the Secretary of Health and Human Services in developing national plans to set priorities and allocate medical resources among civilian and military claimants.

PART 28—OFFICE OF MANAGEMENT AND BUDGET

SEC. 2801. In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Management and Budget shall prepare plans and programs to maintain its functions during national security emergencies. In connection with these functions, the Director of the Office of Management and Budget shall:

- (1) Develop plans to ensure the preparation, clearance, and coordination of proposed Executive orders and proclamations;
- (2) Prepare plans to ensure the preparation, supervision, and control of the budget and the formulation of the fiscal program of the Government;
- (3) Develop plans to coordinate and communicate Executive branch views to the Congress regarding legislation and testimony by Executive branch officials;
- (4) Develop plans for keeping the President informed of the activities of government agencies, continuing the Office of Management and Budget's management functions, and maintaining presidential supervision and direction with respect to legislation and regulations in national security emergencies.

PART 29—GENERAL

SEC. 2901. Executive Order Nos. 10421 and 11490, as amended, are hereby revoked. This Order shall be effective immediately.

Executive Order 12657—Federal Emergency Management Agency assistance in emergency preparedness planning at commercial nuclear power plants

SOURCE: The provisions of Executive Order 12657 of Nov. 18, 1988, appear at 53 FR 47513, 3 CFR, 1988 Comp., p. 611, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil De-

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fense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*), the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, and Section 301 of Title 3 of the United States Code, and in order to ensure that plans and procedures are in place to respond to radiological emergencies at commercial nuclear power plants in operation or under construction, it is hereby ordered as follows:

SECTION 1. *Scope.* (a) This Order applies whenever State or local governments, either individually or together, decline or fail to prepare commercial nuclear power plant radiological emergency preparedness plans that are sufficient to satisfy Nuclear Regulatory Commission ("NRC") licensing requirements or to participate adequately in the preparation, demonstration, testing, exercise, or use of such plans.

(b) In order to request the assistance of the Federal Emergency Management Agency ("FEMA") provided for in this Order, an affected nuclear power plant applicant or licensee ("licensee") shall certify in writing to FEMA that the situation described in Subsection (a) exists.

SEC. 2. *Generally Applicable Principles and Directives.* (a) Subject to the principles articulated in this Section, the Director of FEMA is hereby authorized and directed to take the actions specified in Sections 3 through 6 of this Order.

(b) In carrying out any of its responsibilities under this Order, FEMA:

(1) shall work actively with the licensee, and, before relying upon its resources or those of any other Department or agency within the Executive branch, shall make maximum feasible use of the licensee's resources;

(2) shall take care not to supplant State and local resources. FEMA shall substitute its own resources for those of the State and local governments only to the extent necessary to compensate for the nonparticipation or inadequate participation of those governments, and only as a last resort after appropriate consultation with the Governors and responsible local officials in the affected area regarding State and local participation;

(3) is authorized, to the extent permitted by law, to enter into inter-agency Memoranda of Understanding providing for utilization of the resources of other Executive branch Departments and agencies and for delegation to other Executive branch Departments and agencies of any of the functions and duties assigned to FEMA under this Order; however, any such Memorandum of Understanding shall be subject to approval by the Director of the Office of Management and Budget ("OMB") and published in final form in the FEDERAL REGISTER; and

(4) shall assume for purposes of Sections 3 and 4 of this Order that, in the event of an actual radiological emergency or disaster, State and local authorities would contribute their full resources and exercise their authorities in accordance with their duties to protect the public from harm and would act generally in conformity with the licensee's radiological emergency preparedness plan.

(c) The Director of OMB shall resolve any issue concerning the obligation of Federal funds arising from the implementation of this Order. In resolving issues under this Subsection, the Director of OMB shall ensure:

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- (1) that FEMA has utilized to the maximum extent possible the resources of the licensee and State and local governments before it relies upon its appropriated and lawfully available resources or those of any Department or agency in the Executive branch;
- (2) that FEMA shall use its existing resources to coordinate and manage, rather than duplicate, other available resources;
- (3) that implementation of this Order is accomplished with an economy of resources; and
- (4) that full reimbursement to the Federal Government is provided, to the extent permitted by law.

SEC. 3. *FEMA Participation in Emergency Preparedness Planning.* (a) FEMA assistance in emergency preparedness planning shall include advice, technical assistance, and arrangements for facilities and resources as needed to satisfy the emergency planning requirements under the Atomic Energy Act of 1954, as amended, and any other Federal legislation or regulations pertaining to issuance or retention of a construction permit or an operating license for a nuclear power plant.

(b) FEMA shall make all necessary plans and arrangements to ensure that the Federal Government is prepared to assume any and all functions and undertakings necessary to provide adequate protection to the public in cases within the scope of this Order. In making such plans and arrangements,

(1) FEMA shall focus planning of Federal response activities to ensure that:

(A) adequate resources and arrangements will exist, as of the time when an initial response is needed, given the absence or inadequacy of advance State and local commitments; and

(B) attention has been given to coordinating (including turning over) response functions when State and local governments do exercise their authority, with specific attention to the areas where prior State and local participation has been insufficient or absent;

(2) FEMA's planning for Federal participation in responding to a radiological emergency within the scope of this Order shall include, but not be limited to, arrangements for using existing Federal resources to provide prompt notification of the emergency to the general public; to assist in any necessary evacuation; to provide reception centers or shelters and related facilities and services for evacuees; to provide emergency medical services at Federal hospitals, including those operated by the military services and by the Veterans' Administration; and to ensure the creation and maintenance of channels of communication from commercial nuclear power plant licensees or applicants to State and local governments and to surrounding members of the public.

SEC. 4. *Evaluation of Plans.* (a) FEMA shall consider and evaluate all plans developed under the authority of this Order as though drafted and submitted by a State or local government.

(b) FEMA shall take all actions necessary to carry out the evaluation referred to in the preceding Subsection and to permit the NRC to conduct its evaluation of radiological emergency preparedness plans including, but not limited to, planning, participating in, and evaluating exercises, drills, and tests, on a timely basis, as necessary to satisfy NRC requirements for demonstrations of off-site radiological emergency preparedness.

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SEC. 5. *Response to a Radiological Emergency.* (a) In the event of an actual radiological emergency or disaster, FEMA shall take all steps necessary to ensure the implementation of the plans developed under this Order and shall coordinate the actions of other Federal agencies to achieve the maximum effectiveness of Federal efforts in responding to the emergency.

(b) FEMA shall coordinate Federal response activities to ensure that adequate resources are directed, when an initial response is needed, to activities hindered by the absence or inadequacy of advance State and local commitments. FEMA shall also coordinate with State and local governmental authorities and turn over response functions as appropriate when State and local governments do exercise their authority.

(c) FEMA shall assume any necessary command-and-control function, or delegate such function to another Federal agency, in the event that no competent State and local authority is available to perform such function.

(d) In any instance in which Federal personnel may be called upon to fill a command-and-control function during a radiological emergency, in addition to any other powers it may have, FEMA or its designee is authorized to accept volunteer assistance from utility employees and other nongovernmental personnel for any purpose necessary to implement the emergency response plan and facilitate off-site emergency response.

SEC. 6. *Implementation of Order.* (a) FEMA shall issue interim and final directives and procedures implementing this Order as expeditiously as is feasible and in any event shall issue interim directives and procedures not more than 90 days following the effective date of this Order and shall issue final directives and procedures not more than 180 days following the effective date of this Order.

(b) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary revisions of, all FEMA regulations, directives, and guidance to conform them to the terms and policies of this Order.

(c) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary renegotiations of, all interagency agreements to which FEMA is a party, so as to conform them to the terms and policies of this Order. This directive shall include, but not be limited to, the Federal Radiological Emergency Response Plan (50 Fed. Reg. 46542 (November 8, 1985)).

(d) To the extent permitted by law, FEMA is directed to obtain full reimbursement, either jointly or severally, for services performed by FEMA or other Federal agencies pursuant to this Order from any affected licensee and from any affected nonparticipating or inadequately participating State or local government.

SEC. 7. *Amendments.* This Executive Order amends Executive Order Nos. 11490 (34 Fed. Reg. 17567 (October 28, 1969)), 12148 (44 Fed. Reg. 43239 (July 20, 1979)), and 12241 (45 Fed. Reg. 64879 (September 29, 1980)), and the same are hereby superseded to the extent that they are inconsistent with this Order.

SEC. 8. *Judicial Review.* This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at

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law by a party against the United States, its agencies, its officers, or any person.

SEC. 9. *Effective Date.* This Order shall be effective November 18, 1988.

Executive Order 12658—President's Commission on Catastrophic Nuclear Accidents

SOURCE: The provisions of Executive Order 12658 of Nov. 18, 1988, appear at 53 FR 47517, 3 CFR, 1988 Comp., p. 614, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including Public Law 100-498, and in order to establish a President's Commission on Catastrophic Nuclear Accidents, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 1), it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the President's Commission on Catastrophic Nuclear Accidents ("Commission"). The Commission shall be composed of eleven members who shall be appointed by the President. The members shall represent a broad range of views and interests and shall be appointed in a manner that ensures that not more than a mere majority of the members are of the same political party. Any vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) The President shall designate one of the members of the Commission as Chairperson to serve at the pleasure of the President.

[Sec. 1 amended by EO 12665 of Jan. 12, 1989, 54 FR 1919]

SEC. 2. *Functions.* (a) The Commission shall conduct a comprehensive study of appropriate means of fully compensating victims of a catastrophic nuclear accident that exceeds the amount of aggregate public liability under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), as amended, subsection (e)(1), and shall submit to the Congress, after a review by the President, a final report of the study setting forth:

(1) recommendations for any changes in the laws and rules governing the liability or civil procedures that are necessary for the equitable, prompt, and efficient resolution and payment of all valid damage claims, including the advisability of adjudicating public liability claims through an administrative agency instead of the judicial system;

(2) recommendations for any standards or procedures that are necessary to establish priorities for the hearing, resolution, and payments of claims when awards are likely to exceed the amount of funds available within a specific time period; and

(3) recommendations for any special standards or procedures necessary to decide and pay claims for latent injuries caused by the nuclear incident.

(b) The Commission may request any Executive agency to furnish such information, advice, or assistance as it determines to be necessary to carry out its functions. Each such agency is directed, to the extent permitted by law, to furnish such information, advice, or assistance upon request by the Chairperson of the Commission.

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SEC. 3. *Administration.* (a) The Chairperson of the Commission may appoint and fix the compensation of a staff of such persons as may be necessary to discharge the responsibilities of the study commission, subject to the applicable provisions of the Federal Advisory Committee Act and title 5, United States Code.

(b) To the extent permitted by law and requested by the Chairperson of the Commission, the Administrator of General Services shall provide the Commission with necessary administrative services, facilities, and support on a reimbursable basis.

(c) The Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency shall provide, to the extent permitted by law and subject to the availability of funds, the Commission with such facilities, support, funds, and services, including staff, as may be necessary for the effective performance of the functions of the Commission.

(d) Each member of the Commission may receive compensation at the maximum rate prescribed by the Federal Advisory Committee Act for each day such member is engaged in the work of the Commission. Each member may also receive travel expenses, including per diem in lieu of subsistence, under sections 5702 and 5703 of title 5, United States Code.

(e) The functions of the President under the Federal Advisory Committee Act that are applicable to the Commission, except the function of reporting annually to the Congress, shall be performed by the Administrator of General Services.

SEC. 4. *General.* (a) The final report required in section 2 shall be submitted to the Congress not later than August 20, 1990.

(b) The Commission shall terminate upon the expiration of the 2-month period beginning on the date on which the final report required in section 2 is submitted.

CHAPTER 45—PUBLIC WELFARE

Executive Orders

- 10830 Establishing a seal for the President's Council on Physical Fitness and Sports
- 11758 Delegating authority of the President under the Rehabilitation Act of 1973
- 11776 Continuing the President's Committee on Mental Retardation and broadening its membership and responsibilities
- 12116 Issuance of food stamps by the Postal Service
- 12336 The Task Force on Legal Equity for Women
- 12345 Physical fitness and sports
- 12367 President's Committee on the Arts and the Humanities
- 12528 Presidential Board of Advisors on Private Sector Initiatives
- 12594 President's Volunteer Action Award

Executive Order 10830—Establishing a seal for the President's Council on Physical Fitness and Sports

SOURCE: The provisions of Executive Order 10830 of July 24, 1959, appear at 24 FR 5985, 3 CFR, 1959-1963 Comp., p. 364, unless otherwise noted.

WHEREAS the Chairman of the President's Council on Physical Fitness and Sports has caused to be made, and has recommended that I approve, a seal of office for the President's Council on Physical Fitness and Sports, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a light blue disc edged gold, an open book with red binding, parchment-color pages edged gold with suggested black lettering, the sinister section of the book surmounting a gold torch inflamed in natural colors all within an open wreath of green laurel leaves and in upper dexter a gold cloud issuing gold rays, all encircled by the inscription "President's Council on Physical Fitness and Sports July 16, 1956" in gold letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the President's Council on Physical Fitness and Sports:

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NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the President's Council on Physical Fitness and Sports.

[EO 10830 amended by EO 11074 of Jan. 8, 1963, 28 FR 259, 3 CFR, 1959-1963 Comp., p. 691; EO 11398 of Mar. 4, 1968, 32 FR 4169, 3 CFR, 1966-1970 Comp., p. 714]

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10830, is printed in 3 CFR, 1959-1963 Comp., p. 365.

Executive Order 11758—Delegating authority of the President under the Rehabilitation Act of 1973

SOURCE: The provisions of Executive Order 11758 of Jan. 15, 1974, appear at 39 FR 2075, 3 CFR, 1971-1975 Comp., p. 841, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President under section 500(a) of the Rehabilitation Act of 1973 (87 Stat. 390, U.S.C. 790) with respect to the transfer of unexpended appropriations.

[Sec. 1 amended by EO 11867 of June 19, 1975, 40 FR 26253, 3 CFR, 1971-1975 Comp., p. 1003]

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President (1) under section 503(a) of the Rehabilitation Act of 1973 to prescribe regulations, after consultation with the Secretary of Defense and the Administrator of General Services, with respect to the employment of qualified handicapped individuals under Federal procurement contracts, and (2) under section 503(c) of the act with respect to prescribing, by regulation, guidelines for waiving the requirements of section 503 of the act. Changes in any regulations prescribed by the Secretary pursuant to the preceding sentence shall be made only after consultation with the Secretary of Defense and the Administrator of General Services.

SEC. 3. The head of a Federal agency may, in conformity with the provisions of section 503(c) of the Rehabilitation Act of 1973, and regulations issued by the Secretary of Labor pursuant to section 2 of this order, exempt any contract and, following consultation with the Secretary of Labor, any class of contracts, from the requirements of section 503 of the act.

SEC. 4. The Federal Acquisition Regulations, and, to the extent necessary, any supplemental or comparable regulation issued by any agency of the executive branch shall, following consultation with the Secretary of Labor, be amended to require, as a condition of entering into, renewing or extending any contract subject to the provisions of section 503 of the Rehabilitation Act of 1973, inclusion of a provision requiring compliance with that section and regulations issued by the Secretary pursuant to section 2 of this order.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 918]

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Executive Order 11776—Continuing the President's Committee on Mental Retardation and broadening its membership and responsibilities

SOURCE: The provisions of Executive Order 11776 of Mar. 28, 1974, appear at 39 FR 11865, 3 CFR, 1971-1975 Comp., p. 859, unless otherwise noted.

The President's Committee on Mental Retardation, established by Executive Order No. 11280 on May 11, 1966, has mobilized national planning and carried out basic programs in the field of mental retardation. National goals have been established to reduce the occurrence of mental retardation by one-half before the end of the century and to return one-third of the people in mental institutions to useful lives in their communities. The achievement of these goals will require the most effective possible use of public and private resources.

Our country has become increasingly aware in recent years of the need to assure those who are retarded their full status as citizens under the law, and of the continuing need to mobilize the support of the general public and of specialized professional and volunteer groups for mental retardation activities. We also know that we must constantly evaluate existing programs to determine their adequacy and must continually consider a broad range of proposals for new mental retardation activities.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Committee continued and responsibilities expanded.* The President's Committee on Mental Retardation (hereinafter referred to as the Committee), with expanded membership and expanded responsibilities, is hereby continued in operation.

SEC. 2. *Composition of Committee.* The Committee shall be composed of the following members:

- (1) The Secretary of Health and Human Services, who shall be the Chairman of the Committee.
- (2) The Attorney General.
- (3) The Secretary of Labor.
- (4) The Secretary of Housing and Urban Development.
- (5) The Director of the Office of Economic Opportunity.
- (6) The Director of ACTION.

(7) Not more than twenty-one other members who shall be appointed to the Committee by the President. These persons may be employed in either the public or the private sectors and may include specialists in medicine and other healing arts, human development, special education, law, and employment problems, as well as members of foundations and other private organizations active in the mental retardation field. Except as the President may from time to time otherwise direct, appointees under this paragraph shall have three-year terms, except that an appointment made to fill a vacancy occurring before the expiration of a term shall be made for the balance of the unexpired term.

[Sec. 2 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 3. *Functions of the Committee.* (a) The Committee shall provide such advice and assistance in the area of mental retardation as the President or Secretary of the Department of Health and Human Services may request and particularly shall advise with respect to the following areas:

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(1) evaluation of the adequacy of the national effort to combat mental retardation;

(2) identification of the potential of various Federal programs in achieving Presidential goals in mental retardation;

(3) provision of adequate liaison between Federal activities and related activities of State and local governments, foundations, and other private organizations; and

(4) development and dissemination of such information as will tend to reduce the incidence of retardation and ameliorate its effects.

(b) The Committee shall make an annual report to the President concerning mental retardation. Such additional reports or recommendations may be made as the President may require or as the Committee may deem appropriate.

[Sec. 3 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 2.]

SEC. 4. Cooperation by other agencies. To assist the Committee in providing advice to the President, Federal departments and agencies requested to do so by the Committee shall designate liaison officers with the Committee. Such officers shall, on request by the Committee, and to the extent permitted by law, provide it with information on department and agency programs which do contribute to or which could contribute to achievement of the President's goals in the field of mental retardation.

SEC. 5. Administrative arrangements. (a) The office of the Secretary of the Department of Health and Human Services shall, to the extent permitted by law, provide the Committee with necessary staff, administrative services, and facilities.

(b) Each member of the Committee, except any member who does not receive other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Committee, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(c) The Secretary of Health and Human Services shall perform such other functions with respect to the Committee as may be required by the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I; 86 Stat. 770).

[Sec. 5 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 2.]

SEC. 6. Construction. Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of the Committee or as abrogating or restricting any such function in any manner.

SEC. 7. Executive Order No. 11280 of May 11, 1966, is hereby superseded.

EDITORIAL NOTE: The President's Committee on Mental Retardation was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Secretary of Health and Human Services.

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in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12116—Issuance of food stamps by the Postal Service

SOURCE: The provisions of Executive Order 12116 of Jan. 19, 1979, appear at 44 FR 4647, 3 CFR, 1979 Comp., p. 362, unless otherwise noted.

By the authority vested in me as President of the United States of America by Section 11(k) of the Food Stamp Act of 1977 (91 Stat. 974; 7 U.S.C. 2020(k)), the United States Postal Service is hereby granted approval for post offices in all or part of any State to issue food stamps to eligible households, upon request by the appropriate State agency, as defined in Section 3(n) of the Food Stamp Act of 1977 (91 Stat. 960; 7 U.S.C. 2012(n)).

Executive Order 12336—The Task Force on Legal Equity for Women

SOURCE: The provisions of Executive Order 12336 of Dec. 21, 1981, appear at 46 FR 62239, 3 CFR, 1981 Comp., p. 219, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the Task Force on Legal Equity for Women.

(b) The Task Force members shall be appointed by the President from among nominees by the heads of the following Executive agencies, each of which shall have one representative on the Task Force.

- (1) Department of State.
- (2) Department of The Treasury.
- (3) Department of Defense.
- (4) Department of Justice.
- (5) Department of The Interior.
- (6) Department of Agriculture.
- (7) Department of Commerce.
- (8) Department of Labor.
- (9) Department of Health and Human Services.
- (10) Department of Housing and Urban Development.
- (11) Department of Transportation.
- (12) Department of Energy.
- (13) Department of Education.
- (14) Agency for International Development.
- (15) Veterans Administration.
- (16) Office of Management and Budget.
- (17) International Communication Agency.
- (18) Office of Personnel Management.
- (19) Environmental Protection Agency.
- (20) ACTION.
- (21) Small Business Administration.

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(c) The President shall designate one of the members to chair the Task Force. Other agencies may be invited to participate in the functions of the Task Force.

SEC. 2. *Functions.* (a) The members of the Task Force shall be responsible for coordinating and facilitating in their respective agencies under the direction of the head of their agency, the implementation of changes ordered by the President in sex-discriminatory Federal regulations, policies, and practices.

(b) The Task Force shall periodically report to the President on progress made throughout the Government in implementing the President's directives.

(c) The Attorney General shall complete the review of Federal laws, regulations, policies, and practices which contain language that unjustifiably differentiates, or which effectively discriminates, on the basis of sex. The Attorney General or his designee shall, on a quarterly basis, report his findings to the President through the Cabinet Council on Legal Policy.

[Sec. 2 amended by EO 12355 of Apr. 1, 1982, 47 FR 14479, 3 CFR, 1982 Comp., p. 5189.]

SEC. 3. *Administration.* (a) The head of each Executive agency shall, to the extent permitted by law, provide the Task Force with such information and advice as the Task Force may identify as being useful to fulfill its functions.

(b) The agency with its representative chairing the Task Force shall, to the extent permitted by law, provide the Task Force with such administrative support as may be necessary for the effective performance of its functions.

(c) The head of each agency represented on the Task Force shall, to the extent permitted by law, furnish its representative such administrative support as is necessary and appropriate.

SEC. 4. *General Provisions.* (a) Section 1-101(h) of Executive Order No. 12258, as amended, is revoked.

(b) Executive Order No. 12135 is revoked.

(c) Section 6 of Executive Order No. 12050, as amended, is revoked.

Executive Order 12345—Physical fitness and sports

SOURCE: The provisions of Executive Order 12345 of Feb. 2, 1982, appear at 5189, 3 CFR, 1982 Comp., p. 130, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to expand the program for physical fitness and sports and to continue the President's Council on Physical Fitness and Sports, it is hereby ordered as follows:

SECTION 1. The Secretary of Health and Human Services shall, in carrying out his responsibilities for public health and human services, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

(a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and other efforts to promote and improve the fitness of all Americans through regular participation in physical fitness and sports activities.

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(b) Initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance.

(c) Strengthen coordination of Federal services and programs relating to physical fitness and sports participation and invite appropriate Federal agencies to participate in an interagency committee to coordinate physical fitness and sports activities of the Federal establishment.

(d) Encourage State and local governments to emphasize the importance of regular physical fitness and sports participation.

(e) Seek to advance the physical fitness of children, youth, adults, and senior citizens by systematically encouraging the development of community recreation, physical fitness, and sports participation programs.

(f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.

(g) Stimulate and encourage research in the areas of sports medicine, physical fitness, and sports performance.

(h) Assist educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.

(i) Assist recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental, and emotional fitness.

(j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.

SEC. 2. *President's Council on Physical Fitness and Sports.* (a) There is hereby continued the President's Council on Physical Fitness and Sports.

(b) The Council shall be composed of eighteen members appointed by the President. The President shall designate one of the members to be the Chairman.

[Sec. 2 amended by EO 12539 of Dec. 3, 1985, 50 FR 49829, 3 CFR, 1985 Comp., p. 396]

SEC. 3. *Functions of the Council.* (a) The Council shall advise the President and the Secretary concerning progress made in carrying out the provisions of this Order and shall recommend to the President and the Secretary, as necessary, actions to accelerate progress.

(b) The Council shall advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities.

(c) The Council shall also advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

SEC. 4. *Administrative Provisions Concerning the Council.* (a) The Secretary and the Council are authorized to request from any Federal agency such information or assistance deemed necessary to carry out their functions under this Order.

(b) Each Federal agency is authorized, to the extent permitted by law and within available funds, to furnish such information and assistance to the Secretary and the Council as they may request.

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(c) The members of the Council shall serve without compensation for their work on the Council. However, members of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service (5 U.S.C. 5701-5707).

(d) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.

(e) The Secretary shall appoint an Executive Director of the Council.

(f) The seal prescribed by Executive Order No. 10830 of July 24, 1959, as amended, shall continue to be the seal of the President's Council on Physical Fitness and Sports continued by this Order.

SEC. 5. *General Provisions Concerning the Council.*

(a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to Congress, shall be performed by the Secretary in accordance with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Council shall terminate on December 31, 1982, unless sooner extended.

(c) Executive Order No. 11562, as amended, is revoked.

EDITORIAL NOTE: The President's Council on Physical Fitness and Sports was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901. CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Secretary of Health and Human Services in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12367—President's Committee on the Arts and the Humanities

SOURCE: The provisions of Executive Order 12367 of June 15, 1982, appear at 47 FR 26119, 3 CFR, 1982 Comp., p. 188, unless otherwise noted.

By the authority vested in me as President of the United States, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee to assist in efforts to increase private sector support for the arts and the humanities, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the President's Committee on the Arts and the Humanities. The Committee shall be composed of the Chairman of the National Endowment for the Arts; the Chairman of the National Endowment for the Humanities; the Secretary of the Treasury; the Secretary of the Interior; the Secretary of Education; the Administrator of General Services; the Director of the Institute of Museum Services; the Director of the International Communication Agency; a member designated by the Secretary of State; and such number of additional persons who are not full-time officers or employees of the Federal Government ("non-Federal members"), who

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shall be appointed by the President and shall be selected from among private individuals and State and local public officials who have a demonstrated interest in and commitment to support for the arts or the humanities. In addition, the Majority Leader of the Senate and the Speaker of the House of Representatives are each invited to designate a member of the Committee for appointment by the President, and the Librarian of Congress, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art and the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts are invited to serve as members of the Committee.

(b) The President shall designate a Chairman or Co-Chairmen from among the non-Federal members of the Committee, and may also designate Vice Chairmen from among members of the Committee.

[Sec. 1 amended by EO 12378 of Aug. 6, 1982, 47 FR 34511, 3 CFR, 1982 Comp., p. 204; EO 12393 of Apr. 21, 1987, 52 FR 13624, 3 CFR, 1987 Comp., p. 225]

SEC. 2. Functions. The Committee shall analyze, and make recommendations to the President and to the National Endowment for the Arts and the National Endowment for the Humanities with respect to, (i) ways to promote private sector support for the arts and the humanities, especially at the State and local levels; (ii) the effectiveness of Federal support for the arts and the humanities in stimulating increased private sector support, taking into account the economic needs and problems of the arts and the humanities and their relationship with the private sector; (iii) the planning and coordination of appropriate participation (including productions and projects) in major and historic national events; and (iv) ways to promote the recognition of excellence in the fields of the arts and the humanities. In performing these functions, the Committee shall collect, maintain and make available for appropriate distribution data on the sources and levels of public and private sector support for the arts and the humanities, and on the availability of cultural resources locally. The Committee's functions shall not conflict with the responsibilities of the National Council on the Arts and the National Council on the Humanities.

Sec. 3. Administration. (a) Members of the Committee shall serve without additional compensation for their work on the Committee. However, members of the Committee who are not full-time officers or employees of the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707), to the extent funds are available therefor.

(b) Any administrative support or other expenses of the Committee shall be paid, to the extent permitted by law, from funds available to the National Endowment for the Arts.

Sec. 4. General. (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Chairman of the National Endowment for the Arts, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Committee shall terminate on September 30, 1989, unless sooner extended.

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[Sec. 2 amended by EO 12593 of Apr. 21, 1987, 52 FR 13624, 3 CFR, 1987 Comp., 225]

EDITORIAL NOTE: Executive Order 12489 of Sept. 28, 1984, 49 FR 38927, 3 CFR, 1984 Comp., p. 222, provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to Congress, shall be performed by the Chairman of the National Endowment for the Arts in accordance with the guidelines and procedures established by the Administrator of General Services.

Executive Order 12528—Presidential Board of Advisors on Private Sector Initiatives

SOURCE: The provisions of Executive Order 12528 of Aug. 8, 1985, appear at 50 FR 32389, 3 CFR, 1985 Comp., p. 380, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on private sector initiatives, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the Presidential Board of Advisors on Private Sector Initiatives. The Board shall be composed of not more than 35 members, to be appointed or designated by the President.

[Sec. 1 amended by EO 12604 of Aug. 5, 1987, 52 FR 29495, 3 CFR, 1987 Comp., p. 2]

(b) The President shall designate a Chairman and Vice Chairman from among the members of the Board. The Deputy Assistant to the President and Director of Private Sector Initiatives shall serve as Secretary to the Board.

SEC. 2. *Functions.* (a) The Board shall advise the President and the Secretary of Commerce, through the White House Office of Private Sector Initiatives, with respect to the objectives and conduct of private sector initiative policies, including methods of increasing public awareness of the importance of public/private partnerships; removing barriers to development of effective social service programs which are administered by private organizations; strengthening the professional resources of the private social service sector; and studying options for promoting the long-term development of private sector initiatives in the United States.

(b) The Board shall seek the advice, ideas, and recommendations of the White House Office of Private Sector Initiatives and such other government offices as the President may deem appropriate in order to fulfill its responsibilities under this Order.

(c) In performance of its advisory responsibilities, the Board shall report to the President from time to time as requested.

SEC. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Board such information with respect to private sector initiative issues and such other support as may require for purposes of carrying out its functions.

(b) Members of the Board shall serve without compensation for their work on the Board. However, members appointed from among private citizens of the United States shall be allowed travel expenses, including

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per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The Department of Commerce shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such administrative services, funds, and other support services as may be necessary for the effective performance of its functions.

SEC. 4. *General.* (a) The Board shall terminate on July 1, 1989, unless sooner extended.

[Sec. 4 amended by EO 12604 of Aug. 5, 1987, 52 FR 29495, 3 CFR, 1987 Comp., p. 240]

Executive Order 12594—President's Volunteer Action Award

SOURCE: The provisions of Executive Order 12594 of Apr. 28, 1987, appear at 52 FR 15703, 3 CFR, 1987 Comp., p. 225, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

SECTION 1. The President's Volunteer Action Award is hereby established for the purposes of recognizing outstanding voluntary contributions by individuals and organizations toward helping others in our society, and of demonstrating to all Americans what can be accomplished through voluntary action. The award shall consist of a sterling silver medallion, the design of which accompanies and is hereby made a part of this Order.

SEC. 2. The award may be presented by the President to recipients in ten categories: arts and humanities, education, the environment, health, human services, international volunteering, mobilization of volunteers, public safety, youth, and the workplace. The National Voluntary Service Advisory Council, in cooperation with the White House Office of Private Sector Initiatives, shall recommend recipients of the award to the President. The President may select for the award any person recommended to the President or any person selected by the President upon his own initiative.

EDITORIAL NOTE: An illustration of the medallion, which was attached to and made a part of Executive Order 12594, is printed in 3 CFR, 1987 Comp., p. 226.

CHAPTER 46—SHIPPING

Proclamations

- 3215 Extending the period for the establishment of adequate shipping service for, and deferring extension of the coastwise laws to, Canton Island
- 3363 Designation of restricted waters under the Great Lakes Pilotage Act of 1960

Executive Orders

- 9848 Disposal of certain foreign merchant vessels
- 12234 Enforcement of the Convention for the Safety of Life at Sea
- 12419 Implementation of the International Convention on Tonnage Measurement of Ships

Proclamation 3215—Extending the period for the establishment of adequate shipping service for, and deferring extension of the coastwise laws to, Canton Island

SOURCE: The provisions of Proclamation 3215 of Dec. 12, 1957, appear at 22 FR 10073, 3 CFR, 1954-1958 Comp., p. 140, unless otherwise noted.

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 997; 46 U.S.C. 877), provides:

That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board [United States Shipping Board] is directed prior to the expiration of each year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor . . .

and

WHEREAS the authority of the United States Shipping Board was vested in the Department of Commerce pursuant to section 12 of Executive Order No. 6166 of June 10, 1933; and

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WHEREAS section 204 of the act of June 29, 1936, 49 Stat. 1161, transferred such authority to the United States Maritime Commission and

WHEREAS this authority was transferred to the Secretary of Commerce by section 204 of Reorganization Plan No. 21 of 1950; and

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section 21 of the Merchant Marine Act, 1920; and

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by various proclamations the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1958, and the extension of the coastwise laws of the United States to the Island was deferred to that date:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid section 21 of the Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended until further notice by proclamation of the President, and that the extension of the coastwise laws of the United States to Canton Island is deferred until it is declared by proclamation of the President that such adequate shipping service has been established.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of December, 1960, the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America, the one hundred and eighty-second.

Proclamation 3385—Designation of restricted waters under the Great Lakes Pilotage Act of 1960

SOURCE: The provisions of Proclamation 3385 of Dec. 22, 1960, appear at 25 FR 13683, 3 CFR, 1959-1963 Comp., p. 101, unless otherwise noted.

WHEREAS, pursuant to section 3(a) of the Great Lakes Pilotage Act of 1960 (Public Law 86-555; 74 Stat. 259), the President is directed to designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned and

WHEREAS the aforesaid section 3(a) provides that these designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 3(a) of the Great Lakes Pilotage Act of 1960, do hereby designate and proclaim the following areas in which

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registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, on and after the effective date of regulations issued by the Secretary of Transportation pursuant to the Act:

(1) *District 1.* All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° true) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) *District 2.* All United States waters of Lake Erie westward of a line running (at approximately 026° true) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light; the Detroit River; Lake St. Clair; the St. Clair River, and northern approaches thereto south of latitude 43° 05' 30" N.

(3) *District 3.* All United States waters of the St. Marys River, Sault Sainte Marie Locks and approaches thereto between latitude 45° 59' N. at the southern approach and longitude 84° 33' W. at the northern approach.

[Proc. 3385 amended by Proc. 3855 of June 10, 1968, 33 FR 8535, 3 CFR, 1966-1970 Comp., p. 346]

Executive Order 9848—Disposal of certain foreign merchant vessels

SOURCE: The provisions of Executive Order 9848 of May 8, 1947, appear at 12 FR 3059, 3 CFR, 1943-1948 Comp., p. 640, unless otherwise noted.

WHEREAS the United States Maritime Commission,¹ by virtue of the authority vested in it by Executive Order No. 8771 of June 6, 1941, as amended by Executive Order No. 8881 of September 2, 1941, took over title to and possession of certain foreign merchant vessels lying idle in waters within the jurisdiction of the United States; and

WHEREAS the United States no longer has need of certain of such vessels; and

WHEREAS it is in the public interest that such unneeded vessels be disposed of by the United States Maritime Commission if such disposition is consistent with the foreign policies of the United States and will not prejudice the interests of the United States in any litigation involving any such vessel:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the act of June 6, 1941, 55 Stat. 242, it is hereby ordered as follows:

¹ EDITORIAL NOTE: The United States Maritime Commission was abolished by Reorganization Plan No. 21 of 1950, 15 FR 3178, 3 CFR, 1949-1953 Comp., p. 1012, effective May 24, 1950, which established the Federal Maritime Board and the Maritime Administration as successor agencies. Reorganization Plan No. 7 of 1961, 26 FR 7315, 3 CFR, 1959-1963 Comp., p. 875, effective Aug. 12, 1961, abolished the Federal Maritime Board and transferred its regulatory functions to the Federal Maritime Commission. Functions relating to subsidization of merchant marine were transferred to the Secretary of Commerce. Section 2 of the Maritime Act of 1981 (95 Stat. 151, 46 U.S.C. 1601) transferred the Maritime Administration of the Department of Commerce to the Department of Transportation.

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The United States Maritime Commission is hereby authorized and directed to dispose of any of the above-mentioned vessels which are no longer needed by the United States, in accordance with the provisions of the Merchant Marine Act, 1936, as amended, and other laws authorizing the sale of vessels: *Provided*, That the proposed disposition of any such vessel shall be found by the Secretary of State to be consistent with the foreign policies of the United States and shall be found by the Attorney General to be without prejudice to the interests of the United States in any litigation in which any such vessel may be involved: *And provided further*, That the moneys received on account of the sale or return of any such vessel, after deduction therefrom of any expenses incurred by the Commission in connection with such sale or return, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

EDITORIAL NOTE: Section 1 of the act of June 6, 1941, expired on July 1, 1953; however, the act of Aug. 9, 1954 (68 Stat. 675, 50 U.S.C. 196) extended indefinitely the emergency foreign merchant vessel acquisition and operating authority set forth in the act of June 6, 1941.

Executive Order 12234—Enforcement of the Convention for the Safety of Life at Sea

SOURCE: The provisions of Executive Order 12234 of Sept. 3, 1980, appear at 45 FR 58801, 3 CFR, 1980 Comp., p. 277, unless otherwise noted.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to implement the International Convention for the Safety of Life at Sea, 1974, it is hereby ordered as follows:

1-101. The International Convention for the Safety of Life at Sea, 1974, signed at London on November 1, 1974, and proclaimed by the President of the United States on January 28, 1980 (TIAS 9700), entered into force for the United States on May 25, 1980.

1-102. The Secretary of State, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, and the Federal Communications Commission shall (a) perform those functions prescribed in the Convention that are within their respective areas of responsibility, and (b) cooperate and assist each other in carrying out those functions.

1-103. (a) The Secretary of the Department in which the Coast Guard is operating, or the head of any other Executive agency authorized by law, shall be responsible for the issuance of certificates as required by the Convention. (b) If a certificate is to include matter that pertains to functions vested by law in another Executive agency, the issuing agency shall first ascertain from the other Executive agency the decision regarding that matter. The decision of that agency shall be final and binding on the issuing agency.

1-104. The Secretary of the Department in which the Coast Guard is operating may use the services of the American Bureau of Shipping as long as that Bureau is operated in compliance with Section 25 of the Act of June 5, 1920, as amended (46 U.S.C. 881), to perform the functions under the Convention. The Secretary may also use the services of

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the National Cargo Bureau to perform functions under Chapter VI (Carriage of Grain) of the Convention.

1-105. The Secretary of the Department in which the Coast Guard is operating shall promulgate regulations necessary to implement the provisions of the Convention.

1-106. To the extent that the International Convention for the Safety of Life at Sea, 1974, replaces and abrogates the International Convention for the Safety of Life at Sea, 1960 (TIAS 5780), this Order supersedes Executive Order No. 11239 of July 31, 1965, entitled "Enforcement of the Convention for the Safety of Life at Sea, 1960."

1-107. Executive Order No. 10402 of October 30, 1952, entitled "Enforcement of the Convention for the Safety of Life at Sea, 1948," is revoked.

Executive Order 12419—Implementation of the International Convention on Tonnage Measurement of Ships

SOURCE: The provisions of Executive Order 12419 of May 5, 1983, appear at 48 FR 20893, 3 CFR, 1983 Comp., p. 188, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the International Convention on Tonnage Measurement of Ships, it is hereby ordered as follows:

SECTION 1. The Secretary of the Department in which the Coast Guard is operating shall perform the obligations of the United States, as prescribed by the Articles of the Convention.

SEC. 2. The Secretary of the Department in which the Coast Guard is operating may authorize one or more United States corporations or associations to admeasure vessels and issue International Tonnage Certificates, pursuant to the provisions of the Convention.

CHAPTER 47— TELECOMMUNICATION

Executive Orders

- 10530 : Providing for the performance of certain functions vested in or subject to the approval of the President
- 12046 : Relating to the transfer of telecommunications functions
- 12302 : President's National Security Telecommunications Advisory Committee
- 12472 : Assignment of national security and emergency preparedness telecommunications functions

Executive Order 10530—Providing for the performance of certain functions vested in or subject to the approval of the President

SOURCE: The provisions of Executive Order 10530 of May 10, 1954, appear at 19 FR 2709, 3 CFR, 1954-1958 Comp., p. 189, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is hereby ordered as follows:

PART I. DIRECTOR OF THE BUREAU OF THE BUDGET

[Part I superseded by EO 11230 of June 28, 1965, 30 FR 8447, 3 CFR, 1964-1965 Comp., p. 320]

PART II. THE UNITED STATES CIVIL SERVICE COMMISSION

[Part II superseded by EO 11228 of June 14, 1965, 30 FR 7739, 3 CFR, 1964-1965 Comp., p. 317]

PART III. THE HOUSING AND HOME FINANCE ADMINISTRATOR

[Part III superseded by EO 11196 of Feb. 2, 1965, 30 FR 1171, 3 CFR, 1964-1965 Comp., p. 276]

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PART IV. THE FEDERAL COMMUNICATIONS COMMISSION

SEC. 5. (a) The Federal Communications Commission is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, all authority vested in the President by the act of May 27, 1921, ch. 12, 42 Stat. 8 (47 U.S.C. 34 to 39, inclusive), including the authority to issue, withhold, or revoke licenses to land or operate submarine cables in the United States: *Provided*, That no such license shall be granted or revoked by the Commission except after obtaining approval of the Secretary of State and such advice from any executive department or establishment of the Government as the Commission may deem necessary. The Commission is authorized and directed to receive all applications for the said licenses.

(b) Executive Order No. 3513 of July 9, 1921, as amended by Executive Order No. 6779 of June 30, 1934, is hereby revoked.

PART V. THE ATTORNEY GENERAL AND THE ARCHIVIST OF THE UNITED STATES

SEC. 6. The Attorney General and the Archivist of the United States are hereby designated and empowered jointly to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 5(a) of the act of July 26, 1935, ch. 417, 49 Stat. 501, as amended (44 U.S.C. 1505(a)), to determine from time to time the documents or classes of documents having general applicability and legal effect.

(b) The authority vested in the President by sections 6, 11(a), and 11(f) of said act, as amended (44 U.S.C. 1506; 1510(a) and 1510(f)), to approve (or disapprove), respectively, (1) regulations, prescribed by the Administrative Committee of the Federal Register, for carrying out the provisions of that act (including the regulations referred to in section 5(b) of the act, (44 U.S.C. 1505(b))), authorizing publication in the FEDERAL REGISTER of certain documents or classes of documents), (2) actions of the Administrative Committee of the Federal Register requiring, from time to time, the preparation and publication in special or supplemental editions of the FEDERAL REGISTER of complete codifications of the documents, described in the said section 11(a), (44 U.S.C. 1510(a)), of each agency of the Government, and (3) regulations, prescribed by the Administrative Committee of the Federal Register, for carrying out the provisions of section 11 (44 U.S.C. 1510) of the said act, as amended.

[Part V amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., 245]

PART VI. GENERAL PROVISIONS

SEC. 7. All actions heretofore taken by the President in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

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SEC. 8. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise."

Executive Order 12046—Relating to the transfer of telecommunications functions

SOURCE: The provisions of Executive Order 12046 of Mar. 27, 1978, appear at 43 FR 13349, 3 CFR, 1978 Comp., p. 158, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), the authority and control vested in the President by Section 2 of Executive Order No. 11556, as amended, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the transfer of certain telecommunications functions, it is hereby ordered as follows:

SECTION 1

REORGANIZATION PLAN

1-1. *Implementation of Reorganization Plan.*

1-101. The transfer of all the functions of the Office of Telecommunications Policy and of its Director, as provided by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101), is hereby effective.

1-102. The abolition of the Office of Telecommunications Policy, as provided by Section 3C of Reorganization Plan No. 1 of 1977, is hereby effective.

1-103. The establishment of an Assistant Secretary for Communications and Information, Department of Commerce, as provided by Section 4 of Reorganization Plan No. 1 of 1977, is hereby effective.

1-2. *Telecommunications Function.*

1-201. Prior to the effective date of Reorganization Plan No. 1 of 1977, the Office of Telecommunications Policy and its Director had the functions set forth or referenced by: (1) Section 1 of Reorganization Plan No. 1 of 1970 (5 U.S.C. App. II), (2) Executive Order No. 11556 of September 4, 1970, as amended (47 U.S.C. 305 note), (3) Executive Order No. 11191 of January 4, 1965, as amended (47 U.S.C. 721 note), (4) Executive Order No. 10705 of April 17, 1957, as amended (47 U.S.C. 606 note), and (5) Presidential Memorandum of August 21, 1963, as amended by Executive Order No. 11556 and entitled "Establishment of the National Communications System."

1-202. So much of those functions which relate to the preparation of Presidential telecommunications policy options or to the disposition of appeals from assignments of radio frequencies to stations of the United States Government were transferred to the President. These functions may be delegated within the Executive Office of the President and the delegations are set forth in this Order at Sections 3-1 through 4-3.

1-203. Those telecommunications functions which were not transferred to the President were transferred to the Secretary of Commerce.

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Functions transferred to the Secretary are set forth in this Order Sections 2-1 through 2-5.

SECTION 2

FUNCTIONS TRANSFERRED TO COMMERCE

2-1. *Radio Frequencies.*

2-101. The authority of the President to assign frequencies to radio stations or to classes of radio stations belonging to and operated by the United States, including the authority to amend, modify, or revoke such assignments, was transferred to the Secretary of Commerce.

2-102. This authority, which was originally vested in the President by Section 305(a) of the Communications Act of 1934, as amended (U.S.C. 305(a)), was transferred and assigned to the Director of the Office of Telecommunications Policy by Section 1 of Reorganization Plan No. 1 of 1970 and Section 3 of Executive Order No. 11556.

2-103. The authority to assign frequencies to radio stations is subject to the authority to dispose of appeals from frequency assignments as set forth in Section 3-2 of this Order.

2-2. *Construction of Radio Stations.*

2-201. The authority to authorize a foreign government to construct and operate a radio station at the seat of government of the United States was transferred to the Secretary of Commerce. Authorization of the construction and operation of a radio station pursuant to this authority and the assignment of a frequency for its use can be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Federal Communications Commission.

2-202. This authority, which was originally vested in the President by Section 305(d) of the Communications Act of 1934, as amended (U.S.C. 305), was delegated to the Director of the Office of Telecommunications Policy by Section 5 of Executive Order No. 11556.

2-3. *Communications Satellite System.*

2-301. Certain functions relating to the communications satellite system were transferred to the Secretary of Commerce. Those functions were delegated or assigned to the Director of the Office of Telecommunications Policy by Executive Order No. 11191, as amended by Executive Order No. 11556. The functions include authority vested in the President by Section 201(a) of the Communications Satellite Act of 1962 (76 Stat. 421, 47 U.S.C. 721(a)). These functions are specifically set forth in the following provisions of this Section.

(a) Aid in the planning and development of the commercial communications satellite system and aid in the execution of a national program for the operation of such a system.

(b) Conduct a continuous review of all phases of the development and operation of such system, including the activities of the Corporation.

(c) Coordinate, in consultation with the Secretary of State, the activities of governmental agencies with responsibilities in the field of telecommunications, so as to insure that there is full and effective coordination at all times with the policies set forth in the Act.

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(d) Make recommendations to the President and others as appropriate, with respect to all steps necessary to insure the availability and appropriate utilization of the communications satellite system for general government purposes in consonance with Section 201(a)(6) of the Act.

(e) Help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities both in the United States and abroad.

(f) Assist in the preparation of Presidential action documents for consideration by the President as may be appropriate under Section 201(a) of the Act, make necessary recommendations to the President in connection therewith, and keep the President currently informed with respect to the carrying out of the Act.

(g) Serve as the chief point of liaison between the President and the Corporation.

(h) The Secretary of Commerce shall timely submit to the President each year the report (including evaluations and recommendations) provided for in Section 404(a) of the Act (47 U.S.C. 744(a)).

(i) The Secretary of Commerce shall coordinate the performance of these functions with the Secretary of State. The Corporation and other concerned Executive agencies shall provide the Secretary of Commerce with such assistance, documents, and other cooperation as will enable the Secretary to carry out these functions.

2-4. Other Telecommunications Functions.

Certain functions assigned, subject to the authority and control of the President to the Director of the Office of Telecommunications Policy by Section 2 of Executive Order No. 11556 were transferred to the Secretary of Commerce. These functions, subject to the authority and control of the President, are set forth in the following subsections.

2-401. The Secretary of Commerce shall serve as the President's principal adviser on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

2-402. The Secretary of Commerce shall advise the Director of the Office of Management and Budget on the development of policies relating to the procurement and management of Federal telecommunications systems.

2-403. The Secretary of Commerce shall conduct studies and evaluations concerning telecommunications research and development, and concerning the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems. The Secretary shall advise appropriate agencies, including the Office of Management and Budget, of the recommendations which result from such studies and evaluations.

2-404. The Secretary of Commerce shall develop and set forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations. The Secretary of Commerce shall coordinate economic, technical, operational and related preparations for United States participation in international telecommunications conferences and negotiations. The Secretary shall provide advice and assistance to the Secretary of State on international telecom-

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munications policies to strengthen the position and serve the best interests of the United States, in support of the Secretary of State's responsibility for the conduct of foreign affairs.

2-405. The Secretary of Commerce shall provide for the coordination of the telecommunications activities of the Executive Branch, shall assist in the formulation of policies and standards for those activities, including but not limited to considerations of interoperability, privacy, security, spectrum use and emergency readiness.

2-406. The Secretary of Commerce shall develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

2-407. The Secretary of Commerce shall ensure that the Executive Branch views on telecommunications matters are effectively presented to the Federal Communications Commission and, in coordination with the Director of the Office of Management and Budget, to the Congress.

2-408. The Secretary of Commerce shall establish policies concerning spectrum assignments and use by radio stations belonging to and operated by the United States. Agencies shall consult with the Secretary of Commerce to ensure that their conduct of telecommunications activities is consistent with those policies.

2-409. The Secretary of Commerce shall develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources.

2-410. The Secretary of Commerce shall conduct studies and make recommendations concerning the impact of the convergence of computer and communications technology.

2-411. The Secretary of Commerce shall coordinate Federal telecommunications assistance to State and local governments, except as otherwise provided by Executive Order No. 12472.

[Sec. 2-411 amended by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp. 193]

2-412. The Secretary of Commerce shall conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

2-413. The Secretary of Commerce shall contract for studies and reports related to any aspect of assigned responsibilities.

2-414. [Revoked]

[Sec. 2-414 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp. 193]

2-5. Consultation Responsibilities.

2-501. The authority to establish coordinating committees, as assigned to the Director of the Office of Telecommunications Policy by Section 10 of Executive Order No. 11556, was transferred to the Secretary of Commerce.

2-502. As permitted by law, the Secretary of Commerce shall establish such interagency committees and working groups composed of representatives of interested agencies, and shall consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue

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the Interdepartment Radio Advisory Committee, that Committee shall serve in an advisory capacity to the Secretary. As permitted by law, the Secretary also shall establish one or more telecommunications advisory committees composed of experts in the telecommunications area outside the Government.

SECTION 3

FUNCTIONS ASSIGNED TO THE OFFICE OF MANAGEMENT AND BUDGET

3-1. *Telecommunications Procurement and Management.*

3-101. The responsibility for serving as the President's principal adviser on procurement and management of Federal telecommunications systems and the responsibility for developing and establishing policies for procurement and management of such systems, which responsibilities were assigned to the Director of the Office of Telecommunications Policy subject to the authority and control of the President by Section 2(b) of Executive Order No. 11556, were transferred to the President.

3-102. These functions are delegated to the Director of the Office of Management and Budget.

3-2. *Radio Frequency Appeals.*

3-201. The authority to make final disposition of appeals from frequency assignments by the Secretary of Commerce for radio stations belonging to and operated by the United States, which authority was vested in the President by Section 305(a) of the Communications Act of 1934 (47 U.S.C. 305(a)) and transferred to the Director of the Office of Telecommunications Policy by Reorganization Plan No. 1 of 1970 (5 U.S.C. App. II), was transferred to the President.

3-202. This function is delegated to the Director of the Office of Management and Budget.

SECTION 4

FUNCTIONS ASSIGNED TO THE NATIONAL SECURITY COUNCIL AND THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4-1. *Emergency Functions.*

4-101. The war power functions of the President under Section 606 of the Communications Act of 1934, as amended (47 U.S.C. 606), which were delegated to the Director of the Office of Telecommunications Policy by the Provisions of Section 4 of Executive Order No. 10705, were transferred to the President.

4-102. [Revoked]

[Sec. 4-102 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp., p. 193]

4-103. [Revoked]

[Sec. 4-103 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp., p. 193]

4-2. *National Communications System.*

4-201. The responsibility for policy direction of the development and operation of a National Communications System, which was assigned to

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the Director of the Office of Telecommunications Policy by the Presidential Memorandum of August 21, 1963, as amended by Executive Order No. 11556, was transferred to the President.

4-202. [Revoked]

[Sec. 4-202 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp. 193]

4-3. Planning Functions.

4-301. The function of coordinating the development of policies, plans, programs, and standards for the mobilization and use of the Nation's telecommunications resources in any emergency, which function was assigned to the Director of the Office of Telecommunications Policy subject to the authority and control of the President by Section 2(h) of the Executive Order No. 11556, was transferred to the President.

4-302. [Revoked]

[Sec. 4-302 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp. 193]

SECTION 5

RELATED TELECOMMUNICATIONS FUNCTIONS

5-1. *The Department of Commerce.*

5-101. The Secretary of Commerce shall continue to perform the following functions previously assigned by Section 13 of Executive Order No. 11556:

(a) Perform analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary in the performance of assigned responsibilities for the management of the electromagnetic spectrum.

(b) Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

(c) Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

5-102. The Secretary of Commerce shall participate, as appropriate, in evaluating the capability of telecommunications resources, in recommending remedial actions, and in developing policy options.

5-2. *Department of State.*

5-201. With respect to telecommunications, the Secretary of State shall exercise primary authority for the conduct of foreign policy, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this responsibility the Secretary of State shall coordinate with other agencies as appropriate, and, in particular, shall give full consideration to the Federal Communications Commission's regulatory and policy responsibility in this area.

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5-202. The Secretary of State shall continue to perform the following functions previously assigned by Executive Order No. 11191, as amended:

(a) Exercise the supervision provided for in Section 201(a)(4) of the Communications Satellite Act of 1962, as amended (47 U.S.C. 721(a)(4)); be responsible, although the Secretary of Commerce is the chief point of liaison, for instructing the Communications Satellite Corporation in its role as the designated United States representative to the International Telecommunications Satellite Organizations; and direct the foreign relations of the United States with respect to actions under the Communications Satellite Act of 1962, as amended.

(b) Coordinate, in accordance with the applicable interagency agreements, the performance of these functions with the Secretary of Commerce, the Federal Communications Commission, other concerned Executive agencies, and the Communications Satellite Corporation (see 47 U.S.C. 731-735). The Corporation and other concerned Executive agencies shall provide the Secretary of State with such assistance, documents, and other cooperation as will enable the Secretary to carry out these functions.

5-3. *Federal Emergency Management Agency.* [Revoked]

[Sec. 5-3 revoked by EO 12472 of Apr. 3, 1984, 49 FR 13471, 3 CFR, 1984 Comp., p. 183]

SECTION 6

GENERAL PROVISIONS

6-1. *Transfer Provisions.*

6-101. [Deleted]

[Sec. 6-101 amended Presidential Memorandum of Aug. 21, 1963, which was superseded by EO 12472 of Apr. 3, 1984.]

6-102. The primary responsibility for performing all administrative support and service functions that are related to functions transferred from the Office of Telecommunications Policy and its Director to the President, including those functions delegated or assigned within the Executive Office of the President, are transferred to the Office of Administration. The Domestic Policy Staff¹ shall perform such functions related to the preparation of Presidential telecommunications policy options as the President may from time to time direct.

6-103. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, assigned, or delegated as provided in this Order are hereby transferred as appropriate.

6-104. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer to funds, records, property, and personnel.

¹ EDITORIAL NOTE: Redesignated as the Office of Policy Development in 1981.

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6-2. *Amendments.* In order to reflect the transfers provided by this Order, the following conforming amendments and revocations are ordered:

6-201. [Deleted]

[Sec. 6-201 amended EO 11051 of Sept. 27, 1962, which was revoked by EO 12148 of July 20, 1979.]

6-202. [Deleted]

[Sec. 6-202 amended EO 11490 of Oct. 28, 1969, which was revoked by EO 12656 of Nov. 18, 1988.]

6-203. [Deleted]

[Sec. 6-203 amended EO 11725 of June 27, 1973, which was revoked by EO 12148 of July 20, 1979.]

6-204. Executive Orders No. 10705, as amended, No. 11191, as amended, and No. 11556, as amended, are revoked.

6-3. *General.*

6-301. All Executive agencies to which functions are assigned pursuant to this Order shall issue such rules and regulations as may be necessary to carry them out.

6-302. All Executive agencies are authorized and directed to cooperate with the departments and agencies to which functions are assigned pursuant to this Order and to furnish them such information, support and assistance, not inconsistent with law, as they may require in the performance of those functions.

6-303. (a) Nothing in this Order reassigns any functions assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended, nor does anything in this Order impair the existing authority of the Administrator of General Services to provide and operate telecommunications services and to prescribe policies and methods of procurement, or impair the policy and oversight roles of the Office of Management and Budget.

(b) In carrying out the functions in this Order, the Secretary of Commerce shall coordinate activities as appropriate with the Federal Communications Commission and make appropriate recommendations to it as the regulator of the private sector. Nothing in this Order reassigns any function vested by law in the Federal Communications Commission.

6-304. This Order shall be effective March 26, 1978.

Executive Order 12382—President's National Security Telecommunications Advisory Committee

SOURCE: The provisions of Executive Order 12382 of Sept. 13, 1982, appear at 47 FR 40531, 3 CFR, 1982 Comp., p. 208, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on National Security Telecommunications, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is established the President's National Security Telecommunications Advisory Committee which shall

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be composed of no more than 30 members. These members shall have particular knowledge and expertise in the field of telecommunications and represent elements of the Nation's telecommunications industry. Members of the Committee shall be appointed by the President.

(b) The President shall annually designate a Chairman and a Vice Chairman from among the members of the Committee.

(c) To assist the Committee in carrying out its functions, the Committee may establish appropriate subcommittees or working groups composed, in whole or in part, of individuals who are not members of the Committee.

SEC. 2. Functions. (a) The Committee shall provide to the President, among other things, information and advice from the perspective of the telecommunications industry with respect to the implementation of Presidential Directive 53 (FD/NSC-53), National Security Telecommunications Policy.

(b) The Committee shall provide information and advice to the President regarding the feasibility of implementing specific measures to improve the telecommunications aspects of our national security posture.

(c) The Committee shall provide technical information and advice in the identification and solution of problems which the Committee considers will affect national security telecommunications capability.

(d) In the performance of its advisory duties, the Committee shall conduct reviews and assessments of the effectiveness of the implementation of PD/NSC-53, National Security Telecommunications Policy.

(e) The Committee shall periodically report on matters in this Section to the President and to the Secretary of Defense in his capacity as Executive Agent for the National Communications System.

SEC. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Committee such information with respect to national security telecommunications matters as it may require for the purpose of carrying out its functions. Information supplied to the Committee shall not, to the extent permitted by law, be available for public inspection.

(b) Members of the Committee shall serve without any compensation for their work on the Committee. However, to the extent permitted by law, they shall be entitled to travel expenses, including per diem in lieu of subsistence.

(c) Any expenses of the Committee shall, to the extent permitted by law, be paid from funds available to the Secretary of Defense.

SEC. 4. General. (a) Notwithstanding any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Secretary of Defense, in accord with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Committee shall terminate on December 31, 1982, unless sooner extended.

EDITORIAL NOTE: The President's National Security Telecommunications Advisory Committee was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Com-

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mittee, except that of reporting annually to Congress, shall be performed by the Secretary of Defense in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12472—Assignment of national security and emergency preparedness telecommunications functions

SOURCE: The provisions of Executive Order 12472 of Apr. 3, 1984, appear at 49 FR 13471, 3 CFR, 1984 Comp., p. 193, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Communications Act of 1934, as amended (47 U.S.C. 151), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251), the Disaster Relief Act of 1974 (42 U.S.C. 5121), Section 5 of Reorganization Plan No. 1 of 1977 (3 C.F.R. 1977 Comp. ¹), and Section 203 of Reorganization Plan No. 3 of 1978 (3 C.F.R. 389, 1978 Comp. ²), and in order to provide for the consolidation of assignment and responsibility for improved execution of national security and emergency preparedness telecommunications functions, it is hereby ordered as follows:

SECTION 1. *The National Communications System.* (a) There is hereby established the National Communications System (NCS). The NCS shall consist of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals and the Manager. The NCS Committee of Principals shall consist of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to national security or emergency preparedness, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to national security or emergency preparedness telecommunications capabilities.

(b) The mission of the NCS shall be to assist the President, the National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget in:

(1) the exercise of the telecommunications functions and responsibilities set forth in Section 2 of this Order; and

(2) the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal Government under all circumstances, including crisis or emergency attack, recovery and reconstitution.

(c) The NCS shall seek to ensure that a national telecommunications infrastructure is developed which:

(1) Is responsive to the national security and emergency preparedness needs of the President and the Federal departments, agencies and other

¹ EDITORIAL NOTE: The correct citation is 3 CFR, 1977 Comp., p. 198.

² EDITORIAL NOTE: The correct citation is 3 CFR, 1978 Comp., p. 330.

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entities, including telecommunications in support of national security leadership and continuity of government;

(2) Is capable of satisfying priority telecommunications requirements under all circumstances through use of commercial, government and privately owned telecommunications resources;

(3) Incorporates the necessary combination of hardness, redundancy, mobility, connectivity, interoperability, restorability and security to obtain, to the maximum extent practicable, the survivability of national security and emergency preparedness telecommunications in all circumstances, including conditions of crisis or emergency; and

(4) Is consistent, to the maximum extent practicable, with other national telecommunications policies.

(d) To assist in accomplishing its mission, the NCS shall:

(1) serve as a focal point for joint industry-government national security and emergency preparedness telecommunications planning; and

(2) establish a joint industry-government National Coordinating Center which is capable of assisting in the initiation, coordination, restoration and reconstitution of national security or emergency preparedness telecommunications services or facilities under all conditions of crisis or emergency.

(e) The Secretary of Defense is designated as the Executive Agent for the NCS. The Executive Agent shall:

(1) Designate the Manager of the NCS;

(2) Ensure that the NCS conducts unified planning and operations, in order to coordinate the development and maintenance of an effective responsive capability for meeting the domestic and international national security and emergency preparedness telecommunications needs of the Federal government;

(3) Ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of the Federal Emergency Management Agency;

(4) Recommend, in consultation with the NCS Committee of Principals, to the National Security Council, the Director of the Office of Science and Technology Policy, or the Director of the Office of Management and Budget, as appropriate:

a. The assignment of implementation or other responsibilities to NCS member entities;

b. New initiatives to assist in the exercise of the functions specified in section 2; and

c. Changes in the composition or structure of the NCS;

(5) Oversee the activities of and provide personnel and administrative support to the Manager of the NCS;

(6) Provide staff support and technical assistance to the National Security Telecommunications Advisory Committee established by Executive Order No. 12382, as amended; and

(7) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(f) The NCS Committee of Principals shall:

(1) Serve as the forum in which each member of the Committee may view, evaluate, and present views, information and recommendations concerning ongoing or prospective national security or emergency preparedness telecommunications programs or activities of the NCS and the entities represented on the Committee;

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(2) Serve as the forum in which each member of the Committee shall report on and explain ongoing or prospective telecommunications plans and programs developed or designed to achieve national security or emergency preparedness telecommunications objectives;

(3) Provide comments or recommendations, as appropriate, to the National Security Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Executive Agent, or the Manager of the NCS, regarding ongoing or prospective activities of the NCS; and

(4) Perform such other duties as are from time to time assigned by the President or his authorized designee.

(g) The Manager of the NCS shall:

(1) Develop for consideration by the NCS Committee of Principals and the Executive Agent:

a. A recommended evolutionary telecommunications architecture designed to meet current and future Federal government national security and emergency preparedness telecommunications requirements;

b. Plans and procedures for the management, allocation and use, including the establishment of priorities or preferences, of Federally owned or leased telecommunications assets under all conditions of crisis or emergency;

c. Plans, procedures and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially-provided telecommunications systems;

d. Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security or emergency preparedness telecommunications requirements; and

e. Alternative mechanisms for funding, through the budget review process, national security or emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Director of the Office of Management and Budget.

(2) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of communications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation;

(3) Chair the NCS Committee of Principals and provide staff support and technical assistance thereto;

(4) Serve as a focal point for joint industry-government planning, including the dissemination of technical information, concerning the national security or emergency preparedness telecommunications requirements of the Federal government;

(5) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of Principals and the Executive Agent, improved approaches which may assist Federal entities in fulfilling national security or emergency preparedness telecommunications objectives;

(6) Pursuant to the Federal Standardization Program of the General Services Administration, and in consultation with other appropriate entities of the Federal government including the NCS Committee of Principals

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principals, manage the Federal Telecommunications Standards Program, ensuring wherever feasible that existing or evolving industry, national, and international standards are used as the basis for Federal telecommunications standards; and

(7) Provide such reports and perform such other duties as are from time to time assigned by the President or his authorized designee, the Executive Agent, or the NCS Committee of Principals. Any such assignments of responsibility to, or reports made by, the Manager shall be transmitted through the Executive Agent.

SEC. 2. Executive Office Responsibilities. (a) *Wartime Emergency Functions.* (1) The National Security Council shall provide policy direction for the exercise of the war power functions of the President under Section 606 of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(2) The Director of the Office of Science and Technology Policy shall direct the exercise of the war power functions of the President under Section 606 (a), (c)–(e), of the Communications Act of 1934, as amended (47 U.S.C. 606), should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. 1601).

(b) *Non-Wartime Emergency Functions.* (1) The National Security Council shall:

a. Advise and assist the President in coordinating the development of policy, plans, programs and standards within the Federal government for the identification, allocation, and use of the Nation's telecommunications resources by the Federal government, and by State and local governments, private industry and volunteer organizations upon request, to the extent practicable and otherwise consistent with law, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law; and

b. Provide policy direction for the exercise of the President's non-wartime emergency telecommunications functions, should the President so instruct.

(2) The Director of the Office of Science and Technology Policy shall provide information, advice, guidance and assistance, as appropriate, to the President and to those Federal departments and agencies with responsibilities for the provision, management, or allocation of telecommunications resources, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law;

(3) The Director of the Office of Science and Technology Policy shall establish a Joint Telecommunications Resources Board (JTRB) to assist him in the exercise of the functions specified in this subsection. The Director of the Office of Science and Technology Policy shall serve as chairman of the JTRB; select those Federal departments, agencies, or entities which shall be members of the JTRB; and specify the functions it shall perform.

(c) *Planning and Oversight Responsibilities.* (1) The National Security Council shall advise and assist the President in:

a. Coordinating the development of policy, plans, programs and standards for the mobilization and use of the Nation's commercial, gov-

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ernment, and privately owned telecommunications resources, in order to meet national security or emergency preparedness requirements;

b. Providing policy oversight and direction of the activities of the NCS; and

c. Providing policy oversight and guidance for the execution of the responsibilities assigned to the Federal departments and agencies by this Order.

(2) The Director of the Office of Science and Technology Policy shall make recommendations to the President with respect to the test, exercise and evaluation of the capability of existing and planned communications systems, networks or facilities to meet national security or emergency preparedness requirements and report the results of any such tests or evaluations and any recommended remedial actions to the President and to the National Security Council;

(3) The Director of the Office of Science and Technology Policy or his designee shall advise and assist the President in the administration of a system of radio spectrum priorities for those spectrum dependent telecommunications resources of the Federal government which support national security or emergency preparedness functions. The Director also shall certify or approve priorities for radio spectrum use by the Federal government, including the resolution of any conflicts in among priorities, under all conditions of crisis or emergency; and

(4) The National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall, in consultation with the Executive Agent for the NCS and the NCS Committee of Principals, determine what constitutes national security and emergency preparedness telecommunications requirements.

(d) *Consultation with Federal Departments and Agencies.* In performing the functions assigned under this Order, the National Security Council and the Director of the Office of Science and Technology Policy, in consultation with each other, shall:

(1) Consult, as appropriate, with the Director of the Office of Management and Budget; the Director of the Federal Emergency Management Agency with respect to the emergency management responsibilities assigned pursuant to Executive Order No. 12148, as amended; the Secretary of Commerce, with respect to responsibilities assigned pursuant to Executive Order No. 12046; the Secretary of Defense, with respect to communications security responsibilities assigned pursuant to Executive Order No. 12333; and the Chairman of the Federal Communications Commission or his authorized designee; and

(2) Establish arrangements for consultation among all interested Federal departments, agencies or entities to ensure that the national security and emergency preparedness communications needs of all Federal government entities are identified; that mechanisms to address such needs are incorporated into pertinent plans and procedures; and that such needs are met in a manner consistent, to the maximum extent practicable, with other national telecommunications policies.

(e) *Budgetary Guidelines.* The Director of the Office of Management and Budget, in consultation with the National Security Council and the NCS, will prescribe general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating agencies. These guidelines and

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procedures may provide for mechanisms for funding, through the budget review process, national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities.

SEC. 3. Assignment of Responsibilities to Other Departments and Agencies. In order to support and enhance the capability to satisfy the national security and emergency preparedness telecommunications needs of the Federal government, State and local governments, private industry and volunteer organizations, under all circumstances including those of crisis or emergency, the Federal departments and agencies shall perform the following functions:

(a) *Department of Commerce.* The Secretary of Commerce shall, for all conditions of crisis or emergency: (1) Develop plans and procedures concerning radio spectrum assignments, priorities and allocations for use by Federal departments, agencies and entities; and

(2) Develop, maintain and publish policy, plans, and procedures for the control and allocation of frequency assignments, including the authority to amend, modify or revoke such assignments, in those parts of the electromagnetic spectrum assigned to the Federal government.

(b) *Federal Emergency Management Agency.* The Director of the Federal Emergency Management Agency shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities, as part of its National Emergency Management System, adequate to support its assigned emergency management responsibilities;

(2) Advise and assist State and local governments and volunteer organizations, upon request and to the extent consistent with law, in developing plans and procedures for identifying and satisfying their national security or emergency preparedness telecommunications requirements;

(3) Ensure, to the maximum extent practicable, that national security and emergency preparedness telecommunications planning by State and local governments and volunteer organizations is mutually supportive and consistent with the planning of the Federal government; and

(4) Develop, upon request and to the extent consistent with law and in consonance with regulations promulgated by and agreements with the Federal Communications Commission, plans and capabilities for, and provide policy and management oversight of, the Emergency Broadcast System, and advise and assist private radio licensees of the Commission in developing emergency communications plans, procedures and capabilities.

(c) *Department of State.* The Secretary of State, in accordance with assigned responsibilities within the Diplomatic Telecommunications System, shall plan for and provide, operate and maintain rapid, reliable and secure telecommunications services to those Federal entities represented at United States diplomatic missions and consular offices overseas. This responsibility shall include the provision and operation of domestic telecommunications in support of assigned national security or emergency preparedness responsibilities.

(d) *Department of Defense.* In addition to the other responsibilities assigned by this Order, the Secretary of Defense shall:

(1) Plan for and provide, operate and maintain telecommunications services and facilities adequate to support the National Command Au-

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thorities and to execute the responsibilities assigned by Executive Order No. 12333; and

(2) Ensure that the Director of the National Security Agency provides the technical support necessary to develop and maintain plans adequate to provide for the security and protection of national security and emergency preparedness telecommunications.

(e) *Department of Justice.* The Attorney General shall, as necessary, review for legal sufficiency, including consistency with the antitrust laws, all policies, plans or procedures developed pursuant to responsibilities assigned by this Order.

(f) *Central Intelligence Agency.* The Director of Central Intelligence shall plan for and provide, operate, and maintain telecommunications services adequate to support its assigned responsibilities, including the dissemination of intelligence within the Federal government.

(g) *General Services Administration.* Except as otherwise assigned by this Order, the Administrator of General Services, consistent with policy guidance provided by the Director of the Office of Management and Budget, shall ensure that Federally owned or managed domestic communications facilities and services meet the national security and emergency preparedness requirements of the Federal civilian departments, agencies and entities.

(h) *Federal Communications Commission.* The Federal Communications Commission shall, consistent with Section 4(c) of this Order:

(1) Review the policies, plans and procedures of all entities licensed or regulated by the Commission that are developed to provide national security or emergency preparedness communications services, in order to ensure that such policies, plans and procedures are consistent with the public interest, convenience and necessity;

(2) Perform such functions as required by law with respect to all entities licensed or regulated by the Commission, including (but not limited to) the extension, discontinuance or reduction of common carrier facilities or services; the control of common carrier rates, charges, practices and classifications; the construction, authorization, activation, deactivation or closing of radio stations, services and facilities; the assignment of radio frequencies to Commission licensees; the investigation of violations of pertinent law and regulation; and the initiation of appropriate enforcement actions;

(3) Develop policy, plans and procedures adequate to execute the responsibilities assigned in this Order under all conditions or crisis or emergency; and

(4) Consult as appropriate with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of their respective national security and emergency preparedness activities.

(i) All Federal departments and agencies, to the extent consistent with law (including those authorities and responsibilities set forth in Section 4(c) of this Order), shall:

(1) Determine their national security and emergency preparedness telecommunications requirements, and provide information regarding such requirements to the Manager of the NCS;

(2) Prepare policies, plans and procedures concerning telecommunications facilities, services or equipment under their management or operational control to maximize their capability of responding to the

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national security or emergency preparedness needs of the Federal government;

(3) Provide, after consultation with the Director of the Office of Management and Budget, resources to support their respective requirements for national security and emergency preparedness telecommunications; and provide personnel and staff support to the Manager of the NCS as required by the President;

(4) Make information available to, and consult with, the Manager of the NCS regarding agency telecommunications activities in support of national security or emergency preparedness;

(5) Consult, consistent with the provisions of Executive Order No. 12046, as amended, and in conjunction with the Manager of the NCS, with the Federal Communications Commission regarding execution of responsibilities assigned by this Order;

(6) Submit reports annually, or as otherwise requested, to the Manager of the NCS, regarding agency national security or emergency preparedness telecommunications activities; and

(7) Cooperate with and assist the Executive Agent for the NCS, the NCS Committee of Principals, the Manager of the NCS, and other departments and agencies in the execution of the functions set forth in this Order, furnishing them such information, support and assistance as may be required.

(i) Each Federal department or agency shall execute the responsibilities assigned by this Order in conjunction with the emergency management activities of the Federal Emergency Management Agency, and in regular consultation with the Executive Agent for the NCS and the NCS Committee of Principals to ensure continued coordination of NCS and individual agency telecommunications activities.

SEC. 4. *General Provisions.* (a) All Executive departments and agencies may issue such rules and regulations as may be necessary to carry out the functions assigned under this Order.

(b) In order to reflect the assignments of responsibility provided by this Order,

(1) Sections 2-414, 4-102, 4-103, 4-202, 4-302, 5-3, and 6-101 of Executive Order No. 12046, as amended, are revoked;

(2) The Presidential Memorandum of August 21, 1963, as amended, entitled "Establishment of the National Communications System", is hereby superseded; and

(3) [Deleted]

[Sec. 4(b)(3) amends EO 12046 of Mar. 27, 1978, this chapter, p. 937. The amendment has been incorporated into that order.]

(c) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Director of the Office of Management and Budget, or any Office or official thereof; or reassign any function assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended; or under any other law; or any function vested by law in the Federal Communications Commission.

SEC. 5. This Order shall be effective upon publication in the FEDERAL REGISTER.¹

¹ EDITORIAL NOTE: Published in the FEDERAL REGISTER of Apr. 5, 1984.

CHAPTER 48—EDUCATION

Executive Orders

- 5 Providing for the recognition of certain students as Presidential Scholars
- 0 Historically Black colleges and universities

Executive Order 11155—Providing for the recognition of certain students as Presidential Scholars

The provisions of Executive Order 11155 of May 23, 1964, appear at 29 FR 13,309, 1964-1965 Comp., p. 198, unless otherwise noted.

WHEREAS it is necessary in the national interest that the Federal Government encourage high attainment by students in secondary schools, both public and private, throughout the Nation, and

WHEREAS national recognition of scholastic attainments will tend to enhance the accomplishments of such students generally and their achievement after graduation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the Commission on Presidential Scholars (hereinafter referred to as the Commission). The Commission shall be composed of such members as the President may appoint from time to time from among appropriately qualified citizens of the United States. The person chosen each year, with the cooperation of the Commissioner of Education, Department of Health, Education, and Welfare, as National Teacher of the Year shall be one of the members of the Commission for a period terminating one year after the date of his or her selection as National Teacher of the Year or at such earlier date as a next-succeeding National Teacher of the Year is chosen. The President shall designate one of the members as chairman of the Commission. Members of the Commission shall serve at the pleasure of the President and without compensation from the United States.

EDITORIAL NOTE: The functions of the Education Division within the Department of Health, Education, and Welfare were transferred to the Department of Education by Executive Order 11514 (93 Stat. 695, 20 U.S.C. 3508).

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SEC. 2. The Commission, in accordance with such standards and procedures as it may prescribe and on the basis of its independent judgment, shall annually choose Presidential Scholars, subject to the following:

(1) The Presidential Scholars shall be chosen from among persons who have recently been graduated, or are about to be graduated, from secondary schools, public or private.

(2) They shall be chosen on the basis of their outstanding scholarship.

(3) One boy and one girl shall be chosen as Presidential Scholars from each of the following, namely:

(i) Each State of the United States.

(ii) The District of Columbia.

(iii) The Commonwealth of Puerto Rico.

(iv) The following, collectively: American Samoa, Canal Zone, Guam, Virgin Islands, Trust Territory of the Pacific Islands, and, if the Commission in its discretion shall so determine, other places overseas. In respect of the said other places overseas, only children whose parents are citizens of the United States shall be eligible to be chosen hereunder as Presidential Scholars from those places.

(4) In addition to the 106 Presidential Scholars provided for in paragraph (3), above, the Commission may choose other Presidential Scholars, not exceeding fifteen in number for any one year, to be chosen at large from the jurisdictions referred to in that paragraph.

(5) In addition to the Presidential Scholars provided for in paragraphs (3) and (4) above, the Commission may choose other Presidential Scholars not exceeding twenty in any one year. These Scholars shall be chosen at large, from the jurisdictions referred to in paragraph (3), on the basis of outstanding scholarship and demonstrated ability and accomplishment in the visual and performing arts or in creative writing.

[Sec. 2 amended by EO 12158 of Sept. 18, 1979, 44 FR 54451, 3 CFR, 1979 Comp., 429]

SEC. 3. There is hereby established the Presidential Scholars Medal which shall be of such design and material as the President shall approve and shall be presented to each Presidential Scholar chosen by the Commission under this order.

SEC. 4. As necessary and subject to law, the Office of Education, Department of Health, Education, and Welfare, shall facilitate, or make arrangements for facilitating the carrying out of the purposes of this order.

Executive Order 12320—Historically Black colleges and universities

SOURCE: The provisions of Executive Order 12320 of Sept. 15, 1981, appear at 46 FR 46107, 3 CFR, 1981 Comp., p. 176, unless otherwise noted.

By the authority vested in me as President by the Constitution of the United States of America, in order to advance the development of human potential, to strengthen the capacity of historically Black colleges and universities to provide quality education, and to overcome the effects of discriminatory treatment, it is hereby ordered as follows:

SECTION 1. The Secretary of Education shall supervise annually the development of a Federal program designed to achieve a significant

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crease in the participation by historically Black colleges and universities in Federally sponsored programs. This program shall seek to identify, reduce, and eliminate barriers which may have unfairly resulted in reduced participation in, and reduced benefits from, Federally sponsored programs. This program will also seek to involve private sector institutions in strengthening historically Black colleges.

SEC. 2. Annually, each Executive Department and those Executive agencies designated by the Secretary of Education shall establish annual plans to increase the ability of historically Black colleges and universities to participate in Federally sponsored programs. These plans shall consist of measurable objectives of proposed agency actions to fulfill this Order and shall be submitted at such time and in such form as the Secretary of Education shall designate. In consultation with participating Executive agencies, the Secretary of Education shall undertake a review of these plans and develop an integrated Annual Federal Plan for Assistance to Historically Black Colleges for consideration by the President and the Cabinet Council on Human Resources (composed of the Vice President, the Secretaries of Health and Human Services, Agriculture, Labor, Housing and Urban Development, and Education, the Attorney General, the Counsellor to the President, and the White House Chief of Staff).

SEC. 3. Each participating agency shall submit to the Secretary of Education a mid-year progress report of its achievement of its plan and at the end of the year an Annual Performance Report which shall specify agency performance of its measurable objectives.

SEC. 4. Prior to the development of the First Annual Federal Plan, the Secretary of Education shall supervise a special review by every Executive agency of its programs to determine the extent to which historically Black colleges and universities are given an equal opportunity to participate in Federally sponsored programs. This review will examine unintended regulatory barriers, determine the adequacy of the announcement of programmatic opportunities of interest to these colleges, and identify ways of eliminating inequities and disadvantages.

SEC. 5. The Secretary of Education shall ensure that each president of a historically Black college or university is given the opportunity to comment on the proposed Annual Federal Plan prior to its consideration by the President, the Vice President, and the Cabinet Council on Human Resources.

SEC. 6. The Secretary of Education, to the extent permitted by law, shall stimulate initiatives by private sector businesses and institutions to strengthen historically Black colleges and universities, including efforts to further improve their management, financial structure, and research.

SEC. 7. The Secretary of Education shall submit to the President, the Vice President, and the Cabinet Council on Human Resources an Annual Federal Performance Report on Executive Agency Actions to Assist Historically Black Colleges. The report shall include the performance appraisals of agency actions during the preceding year to assist historically Black colleges and universities. The report will also include any appropriate recommendations for improving the Federal response directed by this Order.

SEC. 8. The special review provided for in Section 4 shall take place not later than November 1, 1981. Participating Executive agencies shall submit their annual plans to the Secretary of Education not later than

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January 15, 1982. The first Annual Federal Plan for Assistance to Historically Black Colleges developed by the Secretary of Education shall be ready for consideration by the President, the Vice President, and the Cabinet Council on Human Resources not later than March 31, 1982.

SEC. 9. Executive Order No. 12232 of August 8, 1980, is revoked.

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Executive Orders

- 10637 Delegating to the Secretary of the Treasury certain functions of the President relating to the United States Coast Guard
- 10707 Establishing a seal for the United States Coast Guard
- 10828 Designating the airport being constructed in the counties of Fairfax and Loudoun in the State of Virginia as the Dulles International Airport
- 11645 Authority of the Secretary of Transportation to prescribe certain regulations relating to Coast Guard housing
- 12191 Federal facility ridesharing program
- 12465 Commercial expendable launch vehicle activities

Executive Order 10637—Delegating to the Secretary of the Treasury certain functions of the President relating to the United States Coast Guard

SOURCE: The provisions of Executive Order 10637 of Sept. 16, 1955, appear at 20 FR 7025, 3 CFR, 1954-1958 Comp., p. 269, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 499 of title 14 of the United States Code, and Article 140 of the Uniform Code of Military Justice (64 Stat. 145), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Treasury¹ is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 149 of title 14 of the United States Code, in his discretion, to detail officers and enlisted men of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance.

¹ EDITORIAL NOTE: The functions of the Secretary of the Treasury relating to the Coast Guard were transferred to the Secretary of Transportation by Pub. L. 89-670 (80 Stat. 938, 49 U.S.C. 108 nt.).

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(b) The authority vested in the President by section 229 of title 14 of the United States Code to revoke the commission of any officer on the active list of the Coast Guard who, at the date of such revocation, has had less than three years of continuous service as a commissioned officer in the Coast Guard, and to prescribe regulations relating to such revocations.

(c) The authority vested in the President by section 232 of title 14 of the United States Code, in his discretion, to retire from active service any commissioned officer of the Coast Guard, upon his own application, who has completed twenty years of active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or the Reserve Components thereof.

(d) The authority vested in the President by section 235 of title 14 of the United States Code to retire, to approve the retirement of, to place out of line of promotion, and to approve the placing out of line of promotion of, officers of the Coast Guard.

(e) The authority vested in the President by section 492 of title 14 of the United States Code to present a distinguished service medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility.

(f) The authority vested in the President by section 493 of title 14 of the United States Code to present the Coast Guard medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

(g) The authority vested in the President by section 494 of title 14 of the United States Code to award emblems, insignia, rosettes, and other devices, to the extent that such authority relates to the awarding of such items to be worn with the distinguished service medal or the Coast Guard medal.

(h) The authority vested in the President by section 498 of title 14 of the United States Code to make posthumous awards of decorations and to designate representatives to receive such awards, to the extent that such authority relates to the awarding of the distinguished service medal or the Coast Guard medal, or ribbons, emblems, insignia, rosettes, or other devices corresponding thereto.

(i) The authority vested in the President by section 499 of title 14 of the United States Code to make rules, regulations, and orders to the extent that they shall relate to the authority described in sections 1 (f), 1 (g), and 1 (h) above.

(j) The authority vested in the President by the first paragraph of section 806 of the act of September 8, 1916, ch. 463, 39 Stat. 799 (52 U.S.C. 77), to direct the detention of any vessel, American or foreign, by withholding clearance or by formal notice forbidding departure; but such authority shall be exercised by the Secretary of the Treasury only upon a finding by the President that there is reasonable ground to believe that the vessel concerned is making or giving undue or unreasonable preference or advantage to any party, or is subjecting any party to undue or unreasonable prejudice, disadvantage, injury, or discrimination, as described in the said paragraph; and the authority so vested to revoke, modify, or renew any such direction.

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(k) The authority vested in the President by the second paragraph of the said section 806 of the act of September 8, 1916, to withhold clearance from one or more vessels of a belligerent country or government until such belligerent shall restore to American vessels and American citizens reciprocal liberty of commerce and equal facilities for trade, and the authority to direct that similar privileges and facilities, if any, enjoyed by vessels and citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; but such authority shall not, in either instance, be exercised by the Secretary of the Treasury with respect to any vessel or citizen of such belligerent unless and until the President proclaims that the belligerent nation concerned is denying privileges and facilities to American vessels as described in the said paragraph.

(l) The authority vested in the President by section 963 (a) of title 18 of the United States Code to detain, in accordance with the provisions of such section, any armed vessel, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and to determine, in each case, whether the proof required by such section is satisfactory.

(m) The authority vested in the President by section 967 (a) of title 18 of the United States Code, during a war in which the United States is a neutral nation, to withhold clearance from or to any vessel, domestic or foreign, or, by service of formal notice upon the owner, master, or person in command or in charge of any domestic vessel not required to secure clearances, and to forbid its departure from port or from the United States, whenever there is reasonable cause to believe that such vessel is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

(n) The authority vested in the President by section 10 (a) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U.S.C. 450 (a)), to require the owner, master, or person in command of a vessel to give a bond to the United States, as prescribed by the said section 10 (a).

(o) The authority vested in the President by section 10 (b) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U.S.C. 450 (b)), to prohibit the departure of a vessel from a port of the United States, in accordance with the provisions of the said section 10 (b).

(p) The authority vested in the President by section 2 of the act of August 18, 1914, ch. 256, 38 Stat. 699 (46 U.S.C. 236), to suspend, in his discretion, by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

(q) The authority vested in the President by section 2 of the act of October 17, 1940, ch. 896, 54 Stat. 1201 (46 U.S.C. 643b) to extend, whenever in his judgment the national interest requires, the provisions of subsection (b) of section 4551, Revised Statutes, as amended, to any additional class or classes of vessels and to such waters as he may designate.

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(r) The authority vested in the Secretary of the Treasury by the first paragraph of section 1 of Title II of the act of June 15, 1917, ch. 30, Stat. 220, as amended (50 U.S.C. 191), during a national emergency proclaimed as provided in the said paragraph, (1) to make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, and (2) to take full possession and control of such vessel for the purposes set forth in the said paragraph.

(s) The authority vested in the President by section 6 of the act of July 24, 1941, ch. 320, 55 Stat. 604, as amended (34 U.S.C. 350e), to make appointments of officers below flag rank without the advice and consent of the Senate, to the extent that such authority relates, pursuant to section 11 (b) of the said act, as amended (34 U.S.C. 350j), to officers of the United States Coast Guard.

SEC. 2. The Secretary of the Treasury is hereby designated and empowered to perform without the approval, ratification, or other action of the President the following described functions to the extent that they relate to the United States Coast Guard:

(a) The authority vested in the President by Article 4 (a) of the Uniform Code of Military Justice (section 1 of the act of May 5, 1950, ch. 169, 64 Stat. 110; 50 U.S.C. 554 (a)), to convene a general court-martial to try any dismissed officer, upon application by the officer concerned for trial by court-martial.

(b) The authority vested in the President by Article 4 (c) and 75 of the Uniform Code of Military Justice (64 Stat. 110, 132; 50 U.S.C. 554 (c), 662), to reappoint a discharged officer to such commissioned rank and precedence as the former officer would have attained had he not been dismissed, and to direct the extent to which any such reappointment shall affect the promotion status of other officers.

(c) The authority vested in the President by section 10 of the act of May 5, 1950, ch. 169, 64 Stat. 146 (50 U.S.C. 739), to drop from the rolls any officer who has been absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a Federal or State penitentiary or correctional institution.

(d) The authority vested in the President by section 219 of the Armed Forces Reserve Act, approved July 9, 1952 (66 Stat. 487; 50 U.S.C. 943), to make appointments of Reserves in commissioned grades below flag officer grades.

(e) The authority vested in the President by section 221 of the said Armed Forces Reserve Act (50 U.S.C. 945) to determine the tenure in office of commissioned officers of the reserve.

(f) The authority vested in the President by section 248 of the said Armed Forces Reserve Act (50 U.S.C. 991), to effect the discharge of commissioned officers of the reserve.

(g) The authority vested in the President by section 6 of the act of February 21, 1946, ch. 34, 60 Stat. 27 (34 U.S.C. 410b), as made applicable to the Coast Guard Reserve by section 755 (a) of title 14 of the United States Code, in his discretion, to place upon the retired list any officer of the Coast Guard Reserve, upon his own application, who has completed more than twenty years of active service as described in the said section 6.

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SEC. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 4. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

SEC. 5. Whenever the entire Coast Guard operates as a service in the Navy, the references to the Secretary of the Treasury in the introductory portions of sections 1 and 2 of this order shall be deemed to be references to the Secretary of the Navy.

Executive Order 10707—Establishing a seal for the United States Coast Guard

SOURCE: The provisions of Executive Order 10707 of May 6, 1957, appear at 22 FR 3211, 3 CFR, 1954-1958 Comp., p. 364, unless otherwise noted.

WHEREAS the Commandant of the United States Coast Guard with approval of the Secretary of the Treasury has caused to be made, and has recommended that I approve, a seal for the United States Coast Guard, the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

On a white disk the shield of the Coat of Arms of the United States (paly of thirteen pieces argent and gules a chief azure) between the motto "SEMPER PARATUS" in red; circumscribed by a white annulet edged and inscribed "UNITED STATES COAST GUARD 1790" in blue all in front of two crossed anchors with stock, arms, and flukes in slight perspective in gold; superimposed upon a light blue disk with gold rope rim.

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the United States Coast Guard:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the United States Coast Guard.

[EO 10707 amended by EO 11319 of Dec. 9, 1966, 31 FR 15629, 3 CFR, 1966-1970 Comp., p. 605]

EDITORIAL NOTE: An illustration of the seal, which was attached to and made a part of Executive Order 10707, is printed in 3 CFR, 1954-1958 Comp., p. 365.

Executive Order 10828—Designating the airport being constructed in the counties of Fairfax and Loudoun in the State of Virginia as the Dulles International Airport

SOURCE: The provisions of Executive Order 10828 of July 15, 1959, appear at 24 FR 5735, 3 CFR, 1959-1963 Comp., p. 364, unless otherwise noted.

WHEREAS there is now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to an act of Congress approved September 7, 1950 (Public Law 762; 64 Stat. 770), an interna-

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tional airport which will provide facilities for the District of Columbia and its vicinity; and

WHEREAS it is desirable that this airport be given an appropriate and significant name; and

WHEREAS the public service of John Foster Dulles, the renowned diplomat and statesman, was dedicated in large measure to the ideals of democracy and the cause of freedom and peace throughout the world; and

WHEREAS it is fitting that the international airport being built to serve our Nation's Capital should bear the name of this distinguished American whose memory is revered wherever men cherish democracy and freedom:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby designate the airport now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to the above-mentioned act of Congress, as the Dulles International Airport; and such airport shall hereafter be known and referred to by that name.

Executive Order 11645—Authority of the Secretary of Transportation to prescribe certain regulations relating to Coast Guard housing

SOURCE: The provisions of Executive Order 11645 of Feb. 8, 1972, appear at 37 FR 2923, 3 CFR, 1971-1975 Comp., p. 669, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Transportation in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

Executive Order 12191—Federal facility ridesharing program

SOURCE: The provisions of Executive Order 12191 of Feb. 1, 1980, appear at 45 FR 7997, 3 CFR, 1980 Comp., p. 138, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to increase ridesharing as a means to conserve petroleum, reduce congestion, improve air quality, and provide an economical way for Federal employees to commute to work, it is hereby ordered as follows:

1-1. Responsibilities of Executive Agencies.

1-101. Executive agencies shall promote the use of ridesharing (carpools, vanpools, privately leased buses, public transportation, and other multi-occupancy modes of travel) by personnel working at Federal fa-

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ilities. Agency actions pursuant to this Order shall be consistent with Circular A-118 issued by the Office of Management and Budget.

1-102. Agencies shall establish an annual ridesharing goal tailored to each facility, and expressed as a percentage of fulltime personnel working at that facility who use ridesharing in the commute between home and work. Agencies that share facilities or that are within easy walking distance of one another should coordinate their efforts to develop and implement ridesharing opportunities.

1-103. Agencies shall designate, in accordance with OMB Circular A-118, an employee transportation coordinator. Agencies that share facilities may designate a single transportation coordinator. The coordinator shall assist employees in forming carpools or vanpools (employee-owned or leased) and facilitate employee participation in ridesharing matching programs. The coordinator shall publicize within the facility the availability of public transportation. The coordinator shall also communicate employee needs for new or improved transportation service to the appropriate local public transit authorities or other organizations furnishing multi-passenger modes of travel.

1-104. Agencies shall report to the Administrator of General Services, hereinafter referred to as the Administrator, the goals established, the means developed to achieve those goals, and the progress achieved. These reports shall be in such form and frequency as the Administrator may require.

1-2. Responsibilities of the Administrator of General Services

1-201. The Administrator shall issue such regulations as are necessary to implement this Order.

1-202. The Administrator may exempt small, remotely located Federal facilities from the requirements of Sections 1-102, 1-103, and 1-104 on his own initiative or upon request of the agency. An exemption shall be granted in whole or in part when, in the judgment of the Administrator, the requirements of those Sections would not yield significant ridesharing benefits.

1-203. The Administrator shall, in consultation with the Secretary of Transportation, periodically provide agencies with guidelines, instructions, and other practical aids for establishing, implementing, and improving their ridesharing programs.

1-204. The Administrator shall assist in coordinating the ridesharing activities of the agencies with the efforts of the Department of Energy, under the Federal Energy Management Program and in the development of an emergency energy conservation plan for the Federal government.

1-205. The Administrator shall take into consideration the advice of the Environmental Protection Agency under the Clean Air Act, as amended, in performing his responsibilities under this Order.

1-206. The Administrator shall, in consultation with the Secretary of Transportation, report annually to the President on the performance of the agencies in implementing the policies and actions contained in this Order. The report shall include (a) an assessment of each agency's performance including the reasonableness of its goals and the adequacy of its effort, (b) a comparison of private sector and State and local government ridesharing efforts with those of the Federal government, and (c) recommendations for additional actions necessary to remove barriers or

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to provide additional incentives to encourage more ridesharing by personnel at Federal facilities.

Executive Order 12465—Commercial expendable launch vehicle activities

SOURCE: The provisions of Executive Order 12465 of Feb. 24, 1984, appear at 49 FR 7099, 3 CFR, 1984 Comp., p. 163, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to encourage, facilitate and coordinate the development of commercial expendable launch vehicle (ELV) operations by private United States enterprises, it is hereby ordered as follows:

SECTION 1. The Department of Transportation is designated as the lead agency within the Federal government for encouraging and facilitating commercial ELV activities by the United States private sector.

SEC. 2. *Responsibilities of Lead Agency.* The Secretary of Transportation shall, to the extent permitted by law and subject to the availability of appropriations, perform the following functions:

(a) act as a focal point within the Federal government for private sector space launch contacts related to commercial ELV operations;

(b) promote and encourage commercial ELV operations in the same manner that other private United States commercial enterprises are promoted by United States agencies;

(c) provide leadership in the establishment, within affected departments and agencies, of procedures that expedite the processing of private sector requests to obtain licenses necessary for commercial ELV launches and the establishment and operation of commercial launch ranges;

(d) consult with other affected agencies to promote consistent application of ELV licensing requirements for the private sector and assure fair and equitable treatment for all private sector applicants;

(e) serve as a single point of contact for collection and dissemination of documentation related to commercial ELV licensing applications;

(f) make recommendations to affected agencies and, as appropriate, to the President, concerning administrative measures to streamline Federal government procedures for licensing of commercial ELV activities;

(g) identify Federal statutes, treaties, regulations and policies which may have an adverse impact on ELV commercialization efforts and recommend appropriate changes to affected agencies and, as appropriate, to the President; and

(h) conduct appropriate planning regarding long-term effects of Federal activities related to ELV commercialization.

SEC. 3. An interagency group, chaired by the Secretary of Transportation and composed of representatives from the Department of State, the Department of Defense, the Department of Commerce, the Federal Communications Commission, and the National Aeronautics and Space Administration, is hereby established. This group shall meet at the call of the Chair and shall advise and assist the Department of Transportation in performing its responsibilities under this Order.

SEC. 4. *Responsibilities of Other Agencies.* All executive departments and agencies shall assist the Secretary of Transportation in carrying out

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this Order. To the extent permitted by law and in consultation with the Secretary of Transportation, they shall:

(a) provide the Secretary of Transportation with information concerning agency regulatory actions which may affect development of commercial ELV operations;

(b) review and revise their regulations and procedures to eliminate unnecessary regulatory obstacles to the development of commercial ELV operations and to ensure that those regulations and procedures found essential are administered as efficiently as possible; and

(c) establish timetables for the expeditious handling of and response to applications for licenses and approvals for commercial ELV activities.

SEC. 5. The powers granted to the Secretary of Transportation to encourage, facilitate and coordinate the overall ELV commercialization process shall not diminish or abrogate any statutory or operational authority exercised by any other Federal agency.

SEC. 6. Nothing contained in this Order or in any procedures promulgated hereunder shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies, its officers or any person.

SEC. 7. This Order shall be effective immediately.

CHAPTER 50—[RESERVED]

DISPOSITION TABLES

EDITORIAL NOTE: These tables list all proclamations and Executive orders issued during the period April 13, 1945, through January 20, 1989, along with their amendments and current status. Earlier proclamations and Executive orders are included if they were amended or otherwise affected by documents issued during the 1945-1989 period.

The amendments column is a historical listing which includes all amendments affecting a document, regardless of its current status. Additionally, if a document is no longer current, the documents it had affected are included in this column in italics. The listings may contrast with those noted in the texts of the documents codified in this volume, as the textnotes contain only references to amendments currently in effect.

The final disposition column in the tables indicates the status of each document as of January 20, 1989. If a proclamation or Executive order had general applicability and continuing effect at that time, it is included in this volume, and the final disposition column states the chapter and page where it is codified. When the final disposition column indicates that a proclamation or Executive order amends a document, the changes have been incorporated into the text of that document, which can be located in this volume by referring to its listing in the tables.

DOCUMENTS NOT INCLUDED IN THIS VOLUME

If a proclamation or Executive order had no legal effect on January 20, 1989, its text is not included in this volume. As indicated in the final disposition column, these documents are revoked or superseded; temporary, that is, effective for a period of time stated in the document, or executed and now obsolete; hortatory; or the authorities under which they were issued have been repealed or otherwise affected. Also excluded are documents which (1) affect lands in the public domain (occasionally affected by Public Land Orders, or PLO's, and listed in the final disposition column as "Public lands"), for which complete, updated information is available from the Department of the Interior's Bureau of Land Management or the Department of Agriculture's Forest Service; (2) documents which amend selective service regulations (listed as "Selective Service"), which are codified at Chapter 16

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of Title 32 of the *Code of Federal Regulations*; and (3) documents which affect the Tariff Schedules of the United States (listed as "Tariff"), for which complete, updated information is available from the United States International Trade Commission. The full text of each of these documents has been published in the *Federal Register* and Title 3 of the *Code of Federal Regulations*.

For information on documents not included in this table, contact the Presidential Documents and Legislative Division, Office of the Federal Register, on 202-523-5230.

Proclamations

Numbers	Amendments	Disposition
503	Modified by EO 10185	Public lands
Dec. 18, 1907	Modified by EO 10850	Public lands
Nov. 24, 1908	Modified by EO 10850	Public lands
959	Amended by Proc. 2965	Public lands
Apr. 17, 1911	Modified by EO 10850	Public lands
1126	Amended by Procs. 2037, 3307	Public lands
1255	Amended by Procs. 3273, 4319	Public lands
1349	Modified by EO 10850	Public lands
Jan. 15, 1918	Modified by EO 10850	Public lands
1473	Amended by EO 3629	Public lands
		Authority repealed by act of June 7, 1952 (66 Stat. 279, 32 U.S.C. 221a)
1487	Amended by Procs. 2177, 3897, 3890	Public lands
1654	Amended by Proc. 3132	Public lands
1713	Amended by Procs. 2114, 3254, 3656	Public lands
1733	Amended by Procs. 2330, 3089	Public lands
1742	Amended by EO 9114	Public lands
1777		Public lands
1808		Public lands
1816	Amended by EO 5814	Public lands
Oct. 17, 1927	Modified by EOs 5814, 10850	Public lands
1844	Modified by Proc. 2384; EO 10932	Public lands
1852		Public lands
1875	Amended by Procs. 2312, 3360, 3887	Public lands
1918	Amended by EO 5814	Public lands
1931	Modified by Proc. 2318; EOs 10932, 11028	Public lands
1932	Modified by Proc. 2220; EO 10932	Public lands
1938	Modified by Procs. 2313, 2319, 2336; EO 10932	Public lands
1950	Amended by Proc. 2177	Public lands
1994	Amended by Procs. 2681, 3138	Public lands
2035	Modified by Proc. 2060; EOs 6886, 7359, 10374, 10932	Public lands
2037		Amends EO 1126
2039	Amended by Procs. 2040, 2070, 2725	Eliminated by FR Doc. 82-3661 Dec. 10, 1982 (47 FR 56351)
2040	Amended Proc. 2039; Amended by Procs. 2070, 2725	Eliminated by FR Doc. 82-3661 Dec. 10, 1982 (47 FR 56351)
2048		Superseded by Proc. 2283
2060	Amended Procs. 2039, 2040; EOs 6073, 6559; Modified by Proc. 2219	Public lands
2061	Modified by Proc. 2218; EOs 6886, 10374, 10932	Public lands
2070	Amended Procs. 2039, 2040; EO 6073; Amended by EO 6559	Eliminated by FR Doc. 82-3661 Dec. 10, 1982 (47 FR 56351)
Aug. 24, 1934		Terminated by Proc. 2764
2114		Amends Proc. 1713
May 4, 1935		Terminated by Proc. 2809
July 8, 1935		Terminated by Proc. 2995
Sept. 25, 1935		Superseded by Proc. 2163
Dec. 2, 1935		Terminated by Proc. 2802
Jan. 9, 1936	Supplemented by Proc. of May 7, 1936. Modified by Proc. 3062	Tariff
Feb. 1, 1936	Amended by Proc. 3390	Tariff

Proclamations

Numbers	Amendments	Disposition
2163		Superseded by Proc. 2237
Apr. 20, 1936		Terminated by Proc. 2863
2167	Amended by Proc. 2311	Public lands
May 7, 1936		Tariff
2169	Modified by EO 10850	Public lands
May 16, 1936		Terminated by Proc. 3117
2171	Modified by EO 10850	Public lands
2174	Modified by EO 10850	Public lands
2177		Amends Procs. 1487, 1950
2178	Modified by EO 10850	Public lands
2184	Amended by Proc. 2263	Public lands
2187	Modified by EO 10850	Public lands
2189	Modified by EO 10850	Public lands
2190	Modified by EO 10850	Public lands
2192	Amended by EO 7443; Modified by EO 10850	Public lands
Sept. 1, 1936		Terminated by Proc. 2895
Oct. 1, 1936		Terminated by Proc. 2895
2198		Public lands
2199		Public lands
2200		Public lands
May 1, 1937	Amended by Proc. 3480	Tariff
2207		Superseded by Proc. 2549
July 1, 1937		Terminated by Proc. 2933
2244		Public lands
2246	Amended by Procs. 3249, 3888	Public lands
2247	Amended by Proc. 2249	Superseded by Proc. 2775
2248		Superseded by Proc. 2775
2263		Superseded by EO 11178
2281	Amended by Procs. 2666, 2696, 2846, 2911	Revoked by Proc. 2980
2285	Modified by EO 10850	Public lands
2289	Modified by EO 10850	Public lands
2293	Modified by EO 10850	Public lands
2296		Public lands
Oct. 23, 1938		Terminated by Proc. 3111
2311	Modified by EO 8673	Public lands
2312	Amended by Procs. 3360, 3887	Public lands
2313	Modified by Procs. 2319, 2336, EO 10932	Public lands
2318		Public lands
2319	Amended by Proc. 2336	Amends Proc. 2313
2320		Public lands
May 5, 1939		Terminated by Proc. 2982
2320	Amended by Proc. 3089	Public lands
2322		Public lands
2326		Amends Procs. 2313, 2319
2331	Modified by Procs. 2715, 2734, 2800, 2856, 2905, 2907, 2934, 3145, 3251; Amended by Procs. 2450, 2544, 2560	Tariff
2332		Terminated by Proc. 2974
2337	Modified by EO 10932	Public lands
2342	Modified by Proc. 4415; EOs 10932, 11028	Public lands
2343	Amended by Proc. 4415; EOs 10932, 11028	Public lands
Oct. 19, 1939		Terminated by Proc. 2982
2348		Terminated by Proc. 2764
2352		Terminated by Proc. 2764
2353		Revoked by Proc. 2732
2357	Amended by EO 10945	Authority repealed by act of Aug. 10, 1956 (70A Stat. 641, 50 U.S.C. App. 701 nt.)
2358		Public lands
2359		Authority repealed by act of Aug. 10, 1956 (70A Stat. 641, 50 U.S.C. App. 701 nt.)
2362		Public lands
2363	Amended Proc. 2351	Terminated by Proc. 3145
2369		Public lands
31, 1941	Supplemented by Proc. of Dec. 11, 1942; Proc. 2843	Tariff
2377		Terminated by Proc. 2974
2383		Revoked by Proc. 2675
2384	Amended EO 8766; Amended by Proc. 2850	Revoked by Proc. 3004
2385	Amended by Proc. 2674	Revoked by FR Doc. 62-12571, Dec. 13, 1962 (27 FR 12619)

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Numbers	Amendments	Disposition
2526	Amended by Proc. 2674	Revoked by FR Doc. 62-1271, Dec. 13, 1962 (27 FR 12619)
2527	Amended by Proc. 2674	Revoked by FR Doc. 62-1271, Dec. 13, 1962 (27 FR 12619)
2528		Public lands
Dec. 29, 1941		Terminated by Proc. 3511
Dec. 29, 1941		Terminated by Proc. 2764
2537		Revoked by Proc. 2678
2544		Tariff
2545		Terminated by Proc. 3081
2549		Superseded by Proc. 2717
2551		Nullified by Proc. 2757
2560		Tariff
June 29, 1942		Terminated by Proc. 2846
2569		Nullified by Procs. 2663, 2681
Nov. 10, 1942	Supplemented by Proc. of Dec. 3, 1942, Proc. 2843.	Tariff
Nov. 10, 1942		Terminated by Proc. 3053
Dec. 3, 1942		Terminated by Proc. 3053
Dec. 11, 1942		Supplements Proc. of Oct. 31, 1942
Dec. 28, 1942		Terminated by Proc. 2801
Dec. 31, 1942		Terminated by Proc. 2801
Sept. 30, 1943	Supplemented by Proc. of Oct. 22, 1943, Amended by Proc. 3128.	Tariff
Oct. 22, 1943	Amended by Proc. 3128	Supplements Proc. of Sept. 30, 1943
2599	Amended by Proc. 2712	Superseded by Proc. 2946
2603		Revoked by Proc. 2980
Dec. 3, 1943		Supplements Proc. of Nov. 10, 1942
2608		Terminated by Proc. 2891
Mar. 31, 1944		Terminated by Proc. 3186
May 29, 1944		Terminated by Proc. 3186
2626		Revoked by Proc. 3107
2635		Public lands
2636		Public lands
2648		Temporary
2649		Hortatory
2650		Hortatory
2651		Hortatory
2652		Hortatory
2653		Temporary
2654		Hortatory
2655		Revoked by FR Doc. 62-12571, Dec. 13, 1962 (27 FR 12619)
2656		Hortatory
2657		Temporary
2658		Nullified by FR Doc. 51-4082, Jan. 27, 1951 (16 FR 7513)
2659		Public lands
2660		Hortatory
2661		Hortatory
2662		Superseded by Proc. 2685
2663		Nullifies Proc. 2569
2664		Hortatory
2665		Hortatory
2666	Amended Proc. 2283	Revoked by Proc. 2980
2667		Nullified by act of Aug. 7, 1950, Stat. 462, 43 U.S.C. 1331 et seq.
2668		Codified at Chapter 18, p. 321
2669		Temporary
2670		Hortatory
2671		Hortatory
2672		Hortatory
2673		Hortatory
2674		Executed and obsolete
2675		Revokes Proc. 2500
2676		Codified at Chapter 2, p. 1
2677		Hortatory
2678		Revokes Proc. 2537
2679		Hortatory
2680		Hortatory
2681		Amends Proc. 1994
2682		Hortatory
2683		Hortatory

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Numbers	Amendments	Disposition
2084		Hortatory
2085		Codified at Chapter 8, p. 147
2086		Hortatory
2087		Hortatory
2088		Executed and obsolete
2089		Hortatory
2090		Hortatory
2091		Discontinues maritime areas established by Procs. 2532, 2536, 2543, 2569, 2573
2092		Hortatory
2093		Terminated by Proc. 2847
2094		Public lands
2095		Codified at Chapter 43, p. 856
2096	Amended Proc. 2293	Revoked by Proc. 2980
2097		Hortatory
2098		Hortatory
2099		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
2100		Hortatory
2101		Hortatory
2102		Public lands
2103		Hortatory
2104		Hortatory
2105		Hortatory
2106		Hortatory
2107		Hortatory
2108		Terminated by Proc. 2735
2109		Hortatory
2110		Hortatory
2111		Hortatory
2112	Amended Proc. 2592	Superseded by Proc. 2948
2113		Hortatory
2114		Temporary
2115	Amended by Proc. 3220	Tariff
2116		Hortatory
2117		Superseded by Proc. 2776
2118		Hortatory
2119		Hortatory
2120		Hortatory
2121		Hortatory
2122		Revoked by Proc. 2892
2123		Hortatory
2124		Public lands
2125	Amended Procs. 2039, 2080, EO 6073	Eliminated by FR Doc. 82-34163, Dec. 10, 1982 (47 FR 56351)
2126		Hortatory
2127		Hortatory
2128		Hortatory
2129		Revoked by Proc. 2893
2130		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
2131		Hortatory
2132		Revoles Proc. 2412
2133		Public lands
2134		Tariff
2135		Terminates Proc. 2708
2136		Hortatory
2137		Hortatory
2138		Authority repealed by Pub. L. 86-426 (74 Stat. 57)
2139		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
2140		Temporary
2141		Temporary
2142		Hortatory
2143		Hortatory
2144		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
2145		Hortatory
2146		Repealed by FR Doc. 76-37722, Dec. 12, 1976 (41 FR 55872)

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Numbers	Amendments	Disposition
2747		Nullified by FR Doc. 51-4882, July 27, 1951 (16 FR 7513)
2748		Public lands
2749		Hortatory
2750		Hortatory
2751		Temporary
2752		Nullified by FR Doc. 51-4882, July 27, 1951 (16 FR 7513)
2753		Hortatory
2754		Temporary
2755		Temporary
2756		Hortatory
2757		Nullifies Proc. 2551
2758		Public lands
2759		Temporary
2760		Nullified by Proc. 3215
2761		Hortatory
2761A	Supplemented by Procs. 2769, 2782, 2784, 2790, 2791, 2792, 2798, 2809, 2829, 2865, 2867, 2901, 2929, 2954, 3007, 3160. Modified by Procs. 2908, 2960, 3059, 3100, 3108, 3187, 3387, 4076. Amended by Procs. 2912, 3140, 3143, 3164, 3468, 3512, 3513, 3517.	Tariff
2762		Codified at Chapter 2, p. 2
2763		Terminates Procs. of Apr. 1, '90; Dec. 28, 1935, May 16, 1936, Apr. 10, 1937, Nov. 25, 1938, June 7, 1939, Dec. 6, 1939
Jan. 1, 1948	Amended by Proc. 3099	Tariff
2764	Supplemented by Procs. 2769, 2782, 2784, 2790, 2792, 2798, 2809, 2829, 2865, 2867, 2874, 2884, 2888, 2901, 2908, 2946, 3040, 3105. Amended by Procs. 3099, 3211, 3394, 3468.	Terminated by Proc. 2801
Jan. 1, 1948	Amended by Proc. 3099	Tariff
2765		Temporary
2766		Temporary
2767		Hortatory
2768		Temporary
2769	Supplemented by Procs. 2888, 2901. Amended by Procs. 2782, 2784, 2790, 2792, 2865, 2908, 2954, 3140, 3394, 3468.	Terminated by Proc. 2901
2770		Hortatory
2771		Hortatory
2772		Hortatory
2773		Public lands
2774		Hortatory
2775	Amended by Procs. 2808, 2831, 2832, 2875.	Revoked by Proc. 2803
2776		Superseded by Proc. 3038
2777		Hortatory
2778		Hortatory
2779		Hortatory
2780		Hortatory
2781		Hortatory
2782	Amended by Proc. 3513	Tariff
2783		Hortatory
2784		Tariff
2785		Public lands
2786		Temporary
2787		Public lands
2788		Hortatory
2789		Hortatory
2790	Amended by Proc. 2809	Tariff
2791		Tariff
2792		Tariff
2793		Authority repealed by Pub. L. 86-0 (74 Stat. 57)
2794		Temporary
2795		Codified at Chapter 36, p. 548
2796		Temporary
2797		Temporary
2798	Amended by Proc. 3517	Tariff
2799	Supplemented by Proc. 2942. Amended by Proc. 3314.	Revoked by Proc. 4360

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Number	Amendments	Disposition
		Tariff
		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
		Terminates Proc. of Dec. 2, 1935
		Hortatory
		Hortatory
		Hortatory
		Temporary
		Temporary
		Authority repealed by Pub. L. 86-426 (74 Stat. 57)
Amended Proc. 2775		Revoked by Proc. 2903
		Amends Proc. 2790
		Hortatory
		Hortatory
		Hortatory
		Hortatory
		Hortatory
		Hortatory
		Temporary
		Public lands
		Public lands
		Codified at Chapter 37, p. 765
		Hortatory
		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
		Hortatory
		Hortatory
		Public lands
		Hortatory
		Hortatory
		Hortatory
		Tariff
Amended Proc. 2775		Hortatory
		Revoked by Proc. 2903
		Hortatory
		Hortatory
		Hortatory
		Hortatory
		Hortatory
		Authority maintained at departmental level (see EO 10289)
		Authority maintained at departmental level (see EO 10289)
		Temporary
		Hortatory
		Hortatory
		Tariff
		Hortatory
		Public lands
Amended Proc. 2283		Revoked by Proc. 2980
		Terminates Proc. 2847
		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
		Hortatory
Amended Proc. 2523		Revoked by Proc. 3004
		Authority repealed by Pub. L. 86-426 (74 Stat. 57)
Amended Proc. 2775		Revoked by Proc. 2903
		Hortatory
		Nullified by FR Doc. 51-8882, July 27, 1951 (16 FR 7513)
		Hortatory
		Tariff
		Hortatory
		Hortatory
		Public lands
		Public lands
		Authority maintained at departmental level (see EO 10289)

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Numbers	Amendments	Disposition
2862		Hortatory
2863		Terminates Proc. of Apr. 20, 1936
2864		Hortatory
2865		Tariff
2866		Hortatory
2867	Supplemented by Procs. 2874, 2884, 2888, 3040. Amended by Procs. 2974, 2986, 3140, 3211, 3468, 3513.	Tariff
2868		Temporary
2869		Terminates Proc. of May 4, 1933
2870		Hortatory
2871		Hortatory
2872		Hortatory
2873		Hortatory
2874	Amended by Proc. 2986	Tariff
2875	Amended Proc. 2775	Revoked by Proc. 2903
2876		Executed and obsolete
2877		Hortatory
2878		Hortatory
2879		Authority repealed by Pub. L. 94-6 (74 Stat. 57)
2880		Hortatory
2881		Hortatory
2882		Hortatory
2883		Hortatory
2884	Amended by Proc. 3468	Tariff
2885		Codified at Chapter 37, p. 70
2886		Hortatory
2887		Hortatory
2888	Supplemented by Proc. 2895. Amended by Proc. 3140.	Tariff
2889		Hortatory
2890		Hortatory
2891		Terminates Proc. 2808
2892		Terminates Proc. 2722
2893		Terminates Proc. 2729
2894		Hortatory
2895		Tariff
2896		Hortatory
2897		Hortatory
2898		Temporary
2899		Hortatory
2900		Nullified by FR Doc. 51-602, 10-27, 1951 (16 FR 7513)
2901	Amended by Proc. 2908	Tariff
2902		Hortatory
2903		Revokes Procs. 2775, 2808, 303, 20, 2875
2904		Hortatory
2905		Tariff
2906	Amended by Proc. 2915	Authority repealed by Pub. L. 94-6 (71 Stat. 208, 50 U.S.C. App. 9, m)
2907		Tariff
2908	Amended by Proc. 2954	Tariff
2909		Hortatory
2910		Hortatory
2911	Amended Proc. 2283	Revoked by Proc. 2980
2912		Tariff
2913		Hortatory
2914		Authority repealed by Pub. L. 94-6 (90 Stat. 1255, 50 U.S.C. 180)
2915		Amends Proc. 2906
2916		Tariff
2917		Hortatory
2918		Hortatory
2919		Hortatory
2920		Hortatory
2921		Hortatory
2922		Hortatory
2923		Hortatory
2924		Public lands
2925		Public lands

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<i>Numbers</i>	<i>Amendments</i>	<i>Disposition</i>
250		Hortatory
251		Hortatory
252		Hortatory
253	Amended by Procs. 2949, 2954, 2986, 3235, 3387, 3468, 3513, 3517.	Tariff
258		Hortatory
259		Temporary
262		Public lands
263		Terminates Proc. of July 3, 1937
264		Tariff
265		Tariff
266		Hortatory
267	Amended by Proc. 3314	Revoked by Proc. 4360
268	Amended by Proc. 3314	Revoked by Proc. 4360
269		Hortatory
280		Hortatory
281		Hortatory
282	Supplemented Proc. 2799. Amended by Proc. 3314.	Revoked by Proc. 4360
283		Hortatory
284		Hortatory
285		Hortatory
286		Tariff
287		Temporary
288		Temporary
289	Amended Proc. 2929.	Terminated by Proc. 3513
290		Temporary
291		Hortatory
292		Hortatory
293		Temporary
294	Amended by Proc. 3885	Tariff
295		Tariff
296		Hortatory
297		Hortatory
298		Temporary
299		Tariff
280	Modified Proc. 2761A	Terminated by Proc. 3255
281		Public lands
282		Executed and obsolete
283		Temporary
284		Hortatory
285		Public lands
286		Hortatory
287		Hortatory
288		Hortatory
289		Hortatory
290		Hortatory
291		Hortatory
292	Amended by Proc. 3314	Revoked by Proc. 4360
293		Hortatory
294		Terminates national emergencies pro- claimed by Procs. 2352 and 2487
295		Hortatory
296		Hortatory
297		Hortatory
298		Hortatory
299		Tariff
280	Amended by Procs. 3147, 3158, 3188A, 3206, 3248	Revoked by Proc. 3298
281		Hortatory
282		Terminates Procs. of Apr. 5, 1939, and Nov. 30, 1939
283		Tariff
284		Hortatory
285		Hortatory
286		Tariff
287		Hortatory
288		Hortatory
289		Tariff
290		Hortatory
291		Tariff
292		Authority maintained at departmental level (see EO 10289)
283		Codified at Chapter 37, p. 768
284		Hortatory

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Numbers	Amendments	Disposition
2995		Public lands
2996		Hortatory
2997		Public lands
2998		Public lands
2999		Hortatory
3000		Codified at Chapter 2, p. 3
3001		Codified at Chapter 2, p. 4
3002		Nullified by Proc. 3215
3003		Public lands
3004		Codified at Chapter 3, p. 149
3005		Hortatory
3006		Hortatory
3007	Supplemented Proc. 2761A	Terminated by Proc. 3511
3008		Hortatory
3009		Hortatory
3010		Hortatory
3011		Hortatory
3012		Hortatory
3013		Hortatory
3014		Hortatory
3015		Hortatory
3016		Hortatory
3017		Hortatory
3018		Hortatory
3019	Modified by Procs. 3084, 3152, 3195. Amended by Procs. 3025, 3095, 3347, 3460	Tariff
3020		Tariff
3021		Hortatory
3022		Authority repealed by Pub. L. (84 Stat. 1242)
3023		Hortatory
3024		Public lands
3025		Tariff
3026		Hortatory
3027		Hortatory
3028		Hortatory
3029		Hortatory
3030		Superseded by Proc. 3632
3031		Temporary
3032		Hortatory
3033		Hortatory
3034		Tariff
3035		Hortatory
3036		Hortatory
3037		Temporary
3038		Nullified by 22 CFR Part 121
3039		Hortatory
3040	Amended by Proc. 3278	Tariff
3041		Tariff
3042		Hortatory
3043		Hortatory
3044	Amended by Proc. 3948	Codified at Chapter 36, p. 780
3045		Hortatory
3046		Hortatory
3047		Hortatory
3048		Tariff
3049		Hortatory
3050		Hortatory
3051		Hortatory
3052		Hortatory
3053		Terminates Procs. of Nov. 11, 1942 and Dec. 3, 1942
3054		Hortatory
3055		Hortatory
3056		Hortatory
3057		Hortatory
3058		Hortatory
3059		Tariff
3060		Temporary
3061		Terminates Proc. 2545
3062		Terminated by Proc. 3761
3063		Hortatory
3064		Hortatory

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Numbers	Amendments	Disposition
3063		Temporary
3066		Hortatory
3067		Hortatory
3069		Hortatory
3070		Hortatory
3071		Tariff
3072		Hortatory
3073		Hortatory
3074	Modified by Proc. 3103	Tariff
		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
3075		Tariff
3076		Codified at Chapter 37, p. 769
3077		Hortatory
3078		Hortatory
3079		Hortatory
3080		Codified at Chapter 38, p. 779
3081		Hortatory
3082		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
3083		Hortatory
3084	Modified Proc. 3019	Terminated by Proc. 3095
3085		Hortatory
3086		Hortatory
3087		Hortatory
3088		Hortatory
3089		Public lands
3090		Hortatory
3091		Hortatory
3092		Hortatory
3093		Hortatory
3094		Hortatory
3095		Tariff
3096		Hortatory
3097		Hortatory
3098		Hortatory
3099	Amended EO 2764	Terminated by Proc. 3085
3100		Tariff
3101		Tariff
3102		Hortatory
3103		Modifies Proc. 3073
3104		Temporary
3105	Amended by Procs. 3128, 3184, 3468, 3479, 3513, 3517	Tariff
3106		Hortatory
3107		Repeals Proc. 2626
3108	Modified Proc. 2761A	Revoked by Proc. 3394
3109		Hortatory
3110		Hortatory
3111	Amended by Proc. 3122	Terminates Proc. of Sept. 23, 1938
3112		Hortatory
3113		Hortatory
3114		Hortatory
3115		Hortatory
3116		Hortatory
3117		Terminates Proc. of May 16, 1936
3118		Hortatory
3119		Hortatory
3120		Hortatory
3121		Hortatory
3122		Hortatory
3123		Amends Proc. 3111
3124		Hortatory
3125		Hortatory
3126		Hortatory
3127		Hortatory
3128		Hortatory
3129		Tariff
3130		Hortatory
3131		Hortatory
3132		Hortatory
3133		Public lands
3134		Hortatory
3135		Hortatory

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Numbers	Amendments	Disposition
3135		Hortatory
3136		Hortatory
3137		Hortatory
3138		Public lands
3139		Authority repealed by Pub. L. 88-45 (74 Stat. 57)
3140	Amended by Procs. 3146, 3184, 3190, 3468, 3513	Tariff
3141		Hortatory
3142		Hortatory
3143		Tariff
3144		Public lands
3145		Tariff
3146		Tariff
3147	Amended Proc. 2980	Revoked by Proc. 3298
3148		Public lands
3149		Hortatory
3150		Hortatory
3151		Hortatory
3152		Tariff
3153		Hortatory
3154		Hortatory
3155		Hortatory
3156		Hortatory
3157		Hortatory
3158		Revoked by Proc. 3298
3159		Hortatory
3160	Amended by Procs. 3225, 3285, 3317	Tariff
3161		Hortatory
3162		Hortatory
3163		Hortatory
3164		Temporary
3165		Temporary
3166		Hortatory
3167		Hortatory
3168		Hortatory
3169		Hortatory
3170		Hortatory
3171		Hortatory
3172		Superseded by Proc. 3655
3173		Hortatory
3174		Hortatory
3175		Codified at Chapter 37, p. 771
3176		Hortatory
3177		Hortatory
3178	Modified by Proc. 3195	Tariff
3179		Hortatory
3180		Hortatory
3181		Hortatory
3182		Hortatory
3183		Hortatory
3184	Amended by Proc. 3190	Tariff
3185		Hortatory
3186		Hortatory
3187		Tariff
3188		Hortatory
3188A	Amended Proc. 2980	Revoked by Proc. 3298
3189		Tariff
3190		Tariff
3191	Amended by Proc. 3468	Terminated by Proc. 3513
3192		Hortatory
3193	Modified by Proc. 3195	Tariff
3194		Hortatory
3195		Tariff
3196		Hortatory
3197		Hortatory
3198		Hortatory
3199		Hortatory
3200		Tariff
3201		Hortatory
3202		Hortatory
3203		Hortatory
3204		Executed and obsolete
3205		Hortatory

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Numbers	Amendments	Disposition
128	Amended Proc. 2980	Revoked by Proc. 3298
129		Temporary
130		Hortatory
131		Tariff
132		Hortatory
133	Amended by Proc. 3468	Tariff
134	Amended by Proc. 3468	Terminated by Proc. 3707
135		Hortatory
136		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
137		Codified at Chapter 46, p. 929
138		Hortatory
139		Temporary
140		Hortatory
141		Hortatory
142		Tariff
143		Hortatory
144		Hortatory
145		Temporary
146		Temporary
147		Hortatory
148		Hortatory
149		Amends Proc. 3160
150		Hortatory
151		Hortatory
152		Public lands
153		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
154		Hortatory
155		Hortatory
156		Temporary
157		Hortatory
158		Hortatory
159	Amended Proc. 2929. Amended by Proc. 3468	Terminated by Proc. 3696
160		Tariff
161		Hortatory
162		Hortatory
163		Hortatory
164		Temporary
165		Hortatory
166		Hortatory
167		Hortatory
168		Hortatory
169	Amended Proc. 2989	Revoked by Proc. 3298
170	Amended by Proc. 3888	Public lands
171		Hortatory
172		Tariff
173		Hortatory
174		Hortatory
175		Public lands
176		Terminates Proc. 2960
177		Hortatory
178		Terminated by Proc. 368
179		Hortatory
180		Hortatory
181		Hortatory
182		Hortatory
183		Hortatory
184		Hortatory
185		Hortatory
186		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
187		Hortatory
188		Hortatory
189		Codified at Chapter 43, p. 857
190		Hortatory
191		Hortatory
192		Hortatory
193	Amended by Proc. 4319	Public lands
194		Hortatory
195		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
3276		Hortatory
3277		Hortatory
3278		Tariff
3279	Amended by Procs. 3290, 3328, 3386, 3389, 3509, 3531, 3541, 3693, 3779, 3794, 3820, 3823, 3969, 3990, 4018, 4025, 4092, 4099, 4133, 4156, 4175, 4178, 4202, 4210, 4227, 4317, 4341, 4355, 4370, 4377, 4412, 4543, 4629, 4655, 4702, 4744, 4766, 4907; EOs 11051, 11703, 11743, 11775, 11790, 12038.	Revoked by Proc. 5141
3280		Hortatory
3281		Hortatory
3282		Hortatory
3283		Hortatory
3284		Hortatory
3285		Amends Proc. 3160
3286		Hortatory
3287		Hortatory
3288		Hortatory
3289		Hortatory
3290		Amends Proc. 3279
3291		Hortatory
3292		Hortatory
3293		Hortatory
3294		Public lands
3295		Temporary
3296		Hortatory
3297		Authority repealed by Pub. L. 94-40 (74 Stat. 57)
3298	Amended by Procs. 3372, 3376, 3384, 3417, 3441, 3503, 3569, 3570, 3587, 3613, 3626, 3637.	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
3299		Hortatory
3300		Hortatory
3301		Hortatory
3302		Temporary
3303		Hortatory
3304		Hortatory
3305		Hortatory
3306		Tariff
3307		Public lands
3308		Public lands
3309		Codified at Chapter 43, p. 857
3310		Hortatory
3311		Public lands
3312		Hortatory
3313		Temporary
3314	Amended Procs. 2799, 2937, 2938, 2942, 2972	Revoked by EO 4360
3315		Hortatory
3316		Hortatory
3317		Amends Proc. 3160
3318		Hortatory
3319		Hortatory
3320		Hortatory
3321		Authority repealed by Pub. L. 94-40 (74 Stat. 57)
3322		Temporary
3323	Amended by Proc. 3468	Terminated by Proc. 5097
3324		Hortatory
3325		Hortatory
3326		Public lands
3327		Hortatory
3328	Amended Proc. 3279	Revoked by Proc. 5141
3329		Temporary
3330		Hortatory
3331		Hortatory
3332		Hortatory
3333		Hortatory
3334		Hortatory
3335		Hortatory
3336		Hortatory
3337		Temporary
3338		Hortatory
3339		Public lands

Proclamations

Numbers	Amendments	Disposition
1340		Hortatory
1341		Hortatory
1342		Hortatory
1343		Hortatory
1344		Public lands
1345		Hortatory
1346		Hortatory
1347		Amends Proc. 3019
1348		Hortatory
1349		Hortatory
1350		Hortatory
1351		Hortatory
1352		Hortatory
1353		Temporary
1354		Hortatory
1355	Supplemented by Proc. 3383	Tariff
1356		Temporary
1357		Hortatory
1358		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
1359		Hortatory
1360	Amended by Proc. 3857	Public lands
1361		Hortatory
1362		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
1363		Hortatory
1364		Hortatory
1365	Amended by Proc. 3468	Tariff
1366		Terminates Procs. of Mar. 31, 1944, and May 29, 1944
1367		Hortatory
1368		Hortatory
1369		Hortatory
1370		Hortatory
1371		Hortatory
1372	Amended Proc. 3298	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
1373		Hortatory
1374		Public lands
1375		Hortatory
1376	Amended Proc. 3298	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
1377		Authority repealed by Pub. L. 86-429 (74 Stat. 57)
1378		Terminated by Proc. 3471
1379	Amended by E.O. 10993	Public lands
1380		Hortatory
1381		Hortatory
1382		Hortatory
1383		Tariff
1384	Amended Proc. 3298	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
1385	Amended by Proc. 3855	Codified at Chapter 46, p. 930
1386	Amended Proc. 3279	Revoked by Proc. 5141
1387	Modified Procs. 2761, 4, 2929. Amended by Proc. 3468.	Terminated by Proc. 3513
1388		Public lands
1389	Amended Proc. 3279	Revoked by Proc. 5141
1390		Amends Proc. of Feb. 1, 1936
1391		Public lands
1392		Hortatory
1393		Hortatory
1394	Amended by Proc. 3513	Tariff
1395		Hortatory
1396		Hortatory
1397		Hortatory
1398		Hortatory
1399		Hortatory
1400		Superseded by Proc. 3655
1401		Hortatory
1402		Tariff
1403		Tariff
1404		Hortatory
1405		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
3405		Hortatory
3406		Hortatory
3407		Hortatory
3408		Hortatory
3409		Hortatory
3410		Hortatory
3411		Hortatory
3412		Hortatory
3413		Public lands
3414		Hortatory
3415		Hortatory
3416		Hortatory
3417	Amended Proc. 3298	Nullified by Pub. L. 89-28 (78 Stat. 911, 8 U.S.C. 1151-1152) Codified at Chapter 36, p. 792
3418		Hortatory
3419		Hortatory
3420		Hortatory
3421		Hortatory
3422		Hortatory
3423		Public lands
3424		Hortatory
3425		Hortatory
3426		Hortatory
3427		Hortatory
3428		Tariff
3429		Hortatory
3430		Temporary
3431	Amended by Proc. 3468	Tariff
3432		Hortatory
3433		Hortatory
3434		Hortatory
3435		Hortatory
3436		Hortatory
3437		Hortatory
3438		Hortatory
3439		Public lands
3440		Tariff
3441	Amended Proc. 3298	Nullified by Pub. L. 89-28 (78 Stat. 911, 8 U.S.C. 1151-1152)
3442		Hortatory
3443	Amended by Proc. 4346	Public lands
3444		Hortatory
3445		Hortatory
3446		Hortatory
3447		Codified at Chapter 15, p. 24
3448		Tariff
3449		Hortatory
3450		Hortatory
3451		Hortatory
3452		Hortatory
3453		Hortatory
3454	Amended by Proc. 3458	Tariff
3455	Amended by Proc. 3458	Terminated by Proc. 3762
3456		Hortatory
3457		Public lands
3458	Amended by Proc. 3762	Amends Procs. 3454, 3455
3459		Hortatory
3460		Tariff
3461		Hortatory
3462		Hortatory
3463		Hortatory
3464		Hortatory
3465		Hortatory
3466		Hortatory
3467		Public lands
3468	Amended by Procs. 3479, 3513	Tariff
3469		Hortatory
3470		Hortatory
3471		Terminates Proc. 3378
3472		Hortatory
3473		Hortatory
3474		Hortatory
3475		Hortatory

Proclamations

Numbers	Amendments	Disposition
3476		Hortatory
3477		Hortatory
3478		Hortatory
3479	Amended by Proc. 3513	Tariff
3480		Tariff
3481		Hortatory
3482		Hortatory
3483		Hortatory
3484		Hortatory
3485		Temporary
3486		Public lands
3487		Hortatory
3488		Hortatory
3489		Hortatory
3490		Hortatory
3491		Hortatory
3492		Hortatory
3493		Hortatory
3494		Hortatory
3495		Hortatory
3496		Hortatory
3497		Hortatory
3498		Executed and obsolete
3499		Hortatory
3500		Hortatory
3501		Hortatory
3502		Hortatory
3503	Amended Proc. 3298	Hortatory
3504		Nullified by Pub. L. 89-236 (79 Stat.
3505		911, 8 U.S.C. 1151-1152)
3506		Terminated by Proc. 3507
3507		Hortatory
3508		Public lands
3509		Terminates Proc. 3504
3510	Amended Proc. 3279	Hortatory
3511		Revoked by Proc. 5141
3512		Sets effective date for sec. 2 of Pub. L.
3513		87-550
3514		Hortatory
3515		Tariff
3516		Tariff
3517	Amended by Proc. 3553	Hortatory
3518		Hortatory
3519		Hortatory
3520		Hortatory
3521		Hortatory
3522		Hortatory
3523		Hortatory
3524		Hortatory
3525		Hortatory
3526		Hortatory
3527		Hortatory
3528		Hortatory
3529		Hortatory
3530		Hortatory
3531		Hortatory
3532	Amended Proc. 3279	Revoked by Proc. 5141
3533		Hortatory
3534		Hortatory
3535		Hortatory
3536		Hortatory
3537		Hortatory
3538		Hortatory
3539		Hortatory
3540		Public lands
3541		Hortatory
3542	Amended Proc. 3279	Revoked by Proc. 5141
3543		Executed and obsolete
3544		Hortatory
3545		Hortatory
3546		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
3547		Hortatory
3548		Tariff
3549		Hortatory
3550		Hortatory
3551		Hortatory
3552		Hortatory
3553		Amends Proc. 3517
3554		Executed and obsolete
3555		Hortatory
3556		Hortatory
3557		Hortatory
3558		Tariff
3559		Hortatory
3560		Hortatory
3561		Hortatory
3562		Tariff
3563		Hortatory
3564	Amended by Proc. 4304	Tariff
3565		Hortatory
3566		Hortatory
3567		Hortatory
3568		Hortatory
3569	Amended Proc. 3298	Nullified by Pub. L. 89-238 (75 Stat. 911, 8 U.S.C. 1151-1152)
3570	Amended Proc. 3298	Nullified by Pub. L. 89-238 (75 Stat. 911, 8 U.S.C. 1151-1152)
3571		Hortatory
3572		Hortatory
3573		Hortatory
3574		Hortatory
3575		Hortatory
3576		Hortatory
3577		Hortatory
3578		Hortatory
3579		Temporary
3580		Hortatory
3581		Hortatory
3582		Hortatory
3583		Hortatory
3584		Hortatory
3585		Hortatory
3586		Hortatory
3587	Amended Proc. 3298	Nullified by Pub. L. 89-238 (75 Stat. 911, 8 U.S.C. 1151-1152)
3588		Hortatory
3589		Hortatory
3590		Hortatory
3591		Hortatory
3592		Hortatory
3593		Hortatory
3594		Hortatory
3595		Hortatory
3596		Tariff
3597		Tariff
3598		Hortatory
3599		Hortatory
3600		Hortatory
3601		Hortatory
3602		Hortatory
3603		Hortatory
3604		Hortatory
3605		Hortatory
3606		Hortatory
3607		Hortatory
3608		Hortatory
3609		Hortatory
3610		Hortatory
3611		Hortatory
3612		Hortatory
3613	Amended Proc. 3298	Nullified by Pub. L. 89-238 (75 Stat. 911, 8 U.S.C. 1151-1152)
3614		Hortatory
3615		Hortatory

Proclamations

Numbers	Amendments	Disposition
318		Hortatory
317		Hortatory
318		Hortatory
319		Hortatory
320		Hortatory
321		Hortatory
322		Hortatory
323		Hortatory
324		Hortatory
325		Temporary
326	Amended Proc. 3298	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
327		Hortatory
328		Hortatory
329		Hortatory
330		Hortatory
331		Hortatory
332		Codified at Chapter 33, p. 665
333		Hortatory
334		Hortatory
335		Hortatory
336		Hortatory
337	Amended Proc. 3298	Nullified by Pub. L. 89-236 (79 Stat. 911, 8 U.S.C. 1151-1152)
338		Hortatory
339		Hortatory
340		Hortatory
341		Hortatory
342		Hortatory
343		Hortatory
344		Hortatory
345		Hortatory
346		Executed and obsolete
347		Hortatory
348		Hortatory
349		Hortatory
350		Hortatory
351		Hortatory
352		Hortatory
353		Hortatory
354		Hortatory
355		Hortatory
356		Superseded by Proc. 4276
357		Public lands
358		Hortatory
359		Hortatory
359		Hortatory
360		Hortatory
361		Hortatory
362		Hortatory
363		Hortatory
364		Hortatory
365		Hortatory
366		Hortatory
367		Hortatory
368		Hortatory
369		Hortatory
370		Hortatory
371		Hortatory
372		Hortatory
373		Hortatory
374		Hortatory
375		Hortatory
376		Hortatory
377		Hortatory
378		Hortatory
379		Hortatory
380		Hortatory
381		Hortatory
382		Codified at Chapter 22, p. 347
383		Tariff
384		Terminates Proc. 3257
385		Hortatory
386		Hortatory
387		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
1687		Hortatory
1688		Hortatory
1689		Temporary
1690		Hortatory
1691		Hortatory
1692		Hortatory
1693	Amended Proc. 3279	Revoked by Proc. 5141
1694	Amended by Proc. 3818	Tariff
1695		Hortatory
1696		Tariff
1697		Terminates Proc. 3323
1698		Hortatory
1699		Hortatory
1700		Hortatory
1701		Hortatory
1702		Hortatory
1703		Terminates Proc. 3212
1704		Hortatory
1705		Hortatory
1706		Hortatory
1707		Hortatory
1708		Hortatory
1709		Tariff
1710		Executed and obsolete
1711		Hortatory
1712	Amended by Proc. 3818	Tariff
1713		Hortatory
1714		Hortatory
1715		Public Land
1716		Hortatory
1717		Hortatory
1718		Hortatory
1719		Hortatory
1720		Hortatory
1721		Hortatory
1722		Hortatory
1723		Hortatory
1724		Hortatory
1725		Hortatory
1726		Hortatory
1727		Hortatory
1728		Hortatory
1729		Hortatory
1730		Hortatory
1731		Hortatory
1732		Hortatory
1733		Hortatory
1734		Hortatory
1735		Hortatory
1736		Hortatory
1737		Hortatory
1738		Hortatory
1739		Hortatory
1740		Hortatory
1741		Hortatory
1742		Hortatory
1743		Tariff
1744	Amended by Proc. 3818	Tariff
1745		Hortatory
1746		Hortatory
1747		Hortatory
1748		Hortatory
1749		Hortatory
1750		Hortatory
1751		Hortatory
1752		Hortatory
1753		Hortatory
1754		Sets effective date for sec. 2 of Pub. 89-651
1755		Hortatory
1756		Hortatory
1757		Hortatory
1758		Hortatory

Proclamations

Number	Amendments	Disposition
1759		Hortatory
1760		Hortatory
1761		Tariff
1762		Tariff
1763		Hortatory
1764		Hortatory
1765		Hortatory
1766		Hortatory
1767		Hortatory
1768		Hortatory
1769		Hortatory
1770		Hortatory
1771		Hortatory
1772		Hortatory
1773		Hortatory
1774		Hortatory
1775		Hortatory
1776		Hortatory
1777		Hortatory
1778		Hortatory
1779	Amended Proc. 3279	Revoked by Proc. 5141
1780		Hortatory
1781		Hortatory
1782		Hortatory
1783		Hortatory
1784		Hortatory
1785		Hortatory
1786		Hortatory
1787		Hortatory
1788		Hortatory
1789		Hortatory
1790		Hortatory
1791		Tariff
1792		Hortatory
1793		Temporary
1794	Amended Proc. 3279	Hortatory
1795		Revoked by Proc. 5141
1796		Executed and obsolete
1797		Hortatory
1798		Hortatory
1799		Hortatory
1800		Hortatory
1801		Hortatory
1802		Hortatory
1803		Hortatory
1804		Hortatory
1805		Hortatory
1806		Hortatory
1807		Hortatory
1808		Hortatory
1809		Hortatory
1810		Hortatory
1811		Hortatory
1812		Hortatory
1813		Hortatory
1814		Hortatory
1815		Hortatory
1816		Tariff
1817		Tariff
1818		Hortatory
1819		Amends Procs. 3694, 3712, 3744
1820		Hortatory
1821	Amended Proc. 3279	Revoked by Proc. 5141
1822		Hortatory
1823	Amended by Procs. 3964, 4189	Tariff
1824	Amended Proc. 3279	Revoked by Proc. 5141
1825		Hortatory
1826		Hortatory
1827		Hortatory
1828		Hortatory
1829		Hortatory
1830		Hortatory
1831		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
3837		Hortatory
3838		Hortatory
3839		Hortatory
3840		Hortatory
3841		Hortatory
3842		Hortatory
3843		Hortatory
3844		Hortatory
3845		Hortatory
3846		Hortatory
3847		Hortatory
3848		Hortatory
3849		Hortatory
3850		Hortatory
3851		Hortatory
3852		Hortatory
3853		Temporary
3854		Hortatory
3855		Amends Proc. 1385
3856		Tariff
3857		Hortatory
3858		Hortatory
3859		Hortatory
3860		Hortatory
3861		Hortatory
3862		Hortatory
3863		Hortatory
3864		Hortatory
3865		Hortatory
3866		Hortatory
3867		Hortatory
3868		Hortatory
3869		Hortatory
3870		Tariff
3871		Hortatory
3872		Hortatory
3873		Hortatory
3874		Hortatory
3875		Hortatory
3876		Hortatory
3877		Hortatory
3878		Hortatory
3879		Hortatory
3880		Hortatory
3881		Hortatory
3882		Hortatory
3883		Hortatory
3884		Tariff
3885		Terminates Proc. of Jan. 3, 1934, May 7, 1935; Proc. 3885 Proc. 2954
3886		Sets effective date for Pub. L. 662
3887		Public lands
3888		Public lands
3889		Public lands
3890		Public lands
3891		Public lands
3892		Hortatory
3893		Hortatory
3894		Hortatory
3895		Hortatory
3896		Hortatory
3897		Hortatory
3898		Hortatory
3899		Hortatory
3900		Hortatory
3901		Hortatory
3902		Hortatory

Proclamations

Number	Amendments	Disposition
903		Hortatory
904		Hortatory
905		Hortatory
906		Hortatory
907		Temporary
908		Hortatory
909		Hortatory
910		Hortatory
911		Hortatory
912		Hortatory
913		Hortatory
914		Hortatory
915		Hortatory
916		Hortatory
917		Hortatory
918		Hortatory
919		Hortatory
920		Hortatory
921		Hortatory
922		Hortatory
923		Hortatory
924		Hortatory
925		Public lands
926		Hortatory
927		Hortatory
928		Hortatory
929		Hortatory
930		Hortatory
931		Hortatory
932		Hortatory
933		Hortatory
934		Hortatory
935		Hortatory
936		Hortatory
937		Hortatory
938		Hortatory
939		Hortatory
940		Hortatory
941		Hortatory
942		Hortatory
943		Hortatory
944		Hortatory
945		Hortatory
946		Temporary
947		Hortatory
948		Hortatory
949		Amends Proc. 3044
950		Hortatory
951		Tariff
952		Tariff
953		Hortatory
954		Tariff
955		Hortatory
956		Hortatory
957		Hortatory
958		Hortatory
959		Hortatory
960		Hortatory
961		Hortatory
962		Hortatory
963		Hortatory
964		Hortatory
965		Tariff
966		Hortatory
967		Hortatory
968		Tariff
969		Hortatory
970	Amended Proc. 3279	Revoked by Proc. 5141
971		Hortatory
972		Hortatory
973		Executed and obsolete
974		Executed and obsolete
975		Hortatory
976		Hortatory

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Numbers	Amendments	Disposition
3976		Hortatory
3977		Hortatory
3978		Hortatory
3979		Hortatory
3980		Hortatory
3981		Hortatory
3982		Hortatory
3983		Hortatory
3984		Hortatory
3985		Hortatory
3986		Hortatory
3987		Hortatory
3988		Temporary
3989		Revoked by Proc. 5141
3990	Amended Proc. 3279	Hortatory
3991		Hortatory
3992		Tariff
3993		Hortatory
3994		Hortatory
3995		Hortatory
3996		Hortatory
3997		Hortatory
3998		Hortatory
3999		Codified at Chapter 36, p. 75
4000		Hortatory
4001		Hortatory
4002		Hortatory
4003		Hortatory
4004		Hortatory
4005		Hortatory
4006		Hortatory
4007		Hortatory
4008		Hortatory
4009		Hortatory
4010		Hortatory
4011		Hortatory
4012		Hortatory
4013		Hortatory
4014		Hortatory
4015		Hortatory
4016		Hortatory
4017		Revoked by Proc. 5141
4018	Amended Proc. 3279	Hortatory
4019		Hortatory
4020		Hortatory
4021		Hortatory
4022		Hortatory
4023		Hortatory
4024		Revoked by Proc. 5141
4025	Amended Proc. 3279	Tariff
4026		Hortatory
4027		Hortatory
4028		Hortatory
4029		Hortatory
4030		Revoked By Proc. 4046
4031		Hortatory
4032		Hortatory
4033		Hortatory
4034		Hortatory
4035		Hortatory
4036		Tariff
4037		Hortatory
4038		Hortatory
4039		Revokes Proc. 4031
4040		Hortatory
4041		Hortatory
4042		Hortatory
4043		Hortatory
4044		Hortatory
4045		Hortatory
4046		Hortatory
4047		Hortatory
4048		Hortatory

Proclamations

Number	Amendments	Disposition
68		Hortatory
69		Hortatory
70		Hortatory
71		Hortatory
72		Hortatory
73		Hortatory
74		Hortatory
75		Hortatory
76		Hortatory
77		Hortatory
78		Hortatory
79		Hortatory
80		Hortatory
81		Hortatory
82		Hortatory
83		Hortatory
84		Codified at Chapter 36, p. 753
85		Hortatory
86		Hortatory
87		Hortatory
88		Hortatory
89		Hortatory
90		Hortatory
91		Hortatory
92		Hortatory
93		Hortatory
94	Amended by Proc. 4098	Tariff
95		Hortatory
96		Tariff
97		Hortatory
98		Hortatory
99		Hortatory
100		Hortatory
101		Hortatory
102		Hortatory
103		Hortatory
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116		Hortatory
117		Hortatory
118		Hortatory
119		Hortatory
120		Hortatory
121		Hortatory
122		Hortatory
123	Amended Proc. 5279	Revoked by Proc. 5141
124		Hortatory
125		Hortatory
126		Hortatory
127		Hortatory
128		Hortatory
129		Amends Proc. 4074
130	Amended Proc. 5279	Revoked by Proc. 5141
131		Hortatory
132		Revoked By Proc. 4360
133		Tariff
134		Temporary
135		Hortatory
136		Hortatory
137		Hortatory
138		Hortatory
139		Hortatory
140		Hortatory
141		Hortatory
142		Hortatory
143		Hortatory
144		Hortatory
145		Tariff
146		Hortatory
147		Hortatory
148		Hortatory
149		Hortatory
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591		Hortatory
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597		Hortatory
598		Hortatory
599		Hortatory
600		Hortatory
601		Hortatory
602		Hortatory
603	</	

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4122		Hortatory
4123		Hortatory
4124		Hortatory
4125	Amended by Proc. 4604	Tariff
4126		Hortatory
4127		Hortatory
4128		Hortatory
4129		Hortatory
4130		Codified at Chapter 36, p. 794
4131		Hortatory
4132		Revoked by Proc. 5141
4133	Amended Proc. 3279	Hortatory
4134		Hortatory
4135		Hortatory
4136		Hortatory
4137		Tariff
4138		Hortatory
4139		Hortatory
4140		Hortatory
4141		Hortatory
4142		Hortatory
4143		Hortatory
4144		Hortatory
4145		Hortatory
4146		Hortatory
4147		Hortatory
4148		Hortatory
4149		Hortatory
4150		Hortatory
4151		Hortatory
4152		Hortatory
4153		Hortatory
4154		Hortatory
4155		Revoked by Proc. 5141
4156	Amended Proc. 3279	Hortatory
4157		Hortatory
4158		Hortatory
4159		Hortatory
4160		Hortatory
4161		Hortatory
4162		Hortatory
4163		Hortatory
4164		Hortatory
4165		Hortatory
4166		Hortatory
4167		Hortatory
4168		Hortatory
4169		Hortatory
4170		Hortatory
4171		Hortatory
4172		Hortatory
4173		Hortatory
4174		Hortatory
4175	Amended Proc. 3279	Revoked by Proc. 5141
4176		Temporary
4177		Tariff
4178	Amended Proc. 3279	Revoked by Proc. 5141
4179		Hortatory
4180	Amended by Proc. 4188	Temporary
4181		Hortatory
4182		Hortatory
4183		Tariff
4184		Hortatory
4185		Hortatory
4186		Hortatory
4187		Hortatory
4188	Amended Proc. 4180	Temporary
4189		Amends Proc. 3822
4190		Hortatory
4191		Hortatory
4192		Hortatory
4193		Hortatory
4194		Hortatory

Proclamations

Number	Amendments	Disposition
4195		Hortatory
4196		Hortatory
4197		Hortatory
4198		Hortatory
4199		Hortatory
4200		Hortatory
4201		Hortatory
4202	Amended Proc. 3279	Revoked by Proc. 5141
4203		Hortatory
4204		Hortatory
4205		Hortatory
4206		Hortatory
4207		Hortatory
4208		Hortatory
4209		Hortatory
4210	Amended Proc. 3279	Revoked by Proc. 5141
4211		Hortatory
4212		Hortatory
4213		Tariff
4214		Hortatory
4215		Hortatory
4216		Tariff
4217		Hortatory
4218		Hortatory
4219		Hortatory
4220		Hortatory
4221		Hortatory
4222		Hortatory
4223		Hortatory
4224		Hortatory
4225		Hortatory
4226		Hortatory
4227	Amended Proc. 3279	Revoked by Proc. 5141
4228		Hortatory
4229		Hortatory
4230		Tariff
4231		Hortatory
4232		Hortatory
4233		Hortatory
4234		Hortatory
4235		Hortatory
4236		Hortatory
4237		Hortatory
4238		Tariff
4239		Hortatory
4240		Hortatory
4241		Hortatory
4242		Hortatory
4243		Hortatory
4244		Hortatory
4245		Hortatory
4246		Hortatory
4247		Hortatory
4248		Hortatory
4249		Hortatory
4250		Hortatory
4251		Hortatory
4252		Hortatory
4253		Hortatory
4254		Tariff
4255		Hortatory
4256		Hortatory
4257		Hortatory
4258		Hortatory
4259		Tariff
4260		Hortatory
4261		Tariff
4262		Hortatory
4263		Hortatory
4264		Hortatory
4265		Hortatory
4266		Hortatory
4267		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4268		Hortatory
4269		Hortatory
4270		Hortatory
4271		Hortatory
4272		Tariff
4273		Hortatory
4274		Tariff
4275		Hortatory
4276		Superseded by Proc. 4357
4277		Hortatory
4278		Hortatory
4279		Tariff
4280		Hortatory
4281		Hortatory
4282		Hortatory
4283		Hortatory
4284		Hortatory
4285		Hortatory
4286		Hortatory
4287		Hortatory
4288		Hortatory
4289		Hortatory
4290		Hortatory
4291		Hortatory
4292		Hortatory
4293		Hortatory
4294		Hortatory
4295		Hortatory
4296		Hortatory
4297		Hortatory
4298		Tariff
4299		Hortatory
4300		Hortatory
4301		Hortatory
4302		Hortatory
4303		Hortatory
4304	Amended by Procs. 4478, 4480	Amends Proc. 3564
4305		Hortatory
4306		Hortatory
4307		Hortatory
4308		Hortatory
4309		Hortatory
4310		Hortatory
4311		Executed and obsolete
4312		Hortatory
4313	Amended by Procs. 4345, 4353	Temporary
4314		Hortatory
4315		Hortatory
4316		Hortatory
4317	Amended Proc. 3279	Revoked by Proc. 5141
4318		Hortatory
4319		Public lands
4320		Hortatory
4321		Hortatory
4322		Hortatory
4323		Hortatory
4324		Hortatory
4325		Hortatory
4326		Hortatory
4327		Hortatory
4328		Hortatory
4329		Hortatory
4330		Hortatory
4331		Hortatory
4332		Hortatory
4333		Hortatory
4334	Amended by Procs. 4463, 4539, 4720, 4888, 4941	Tariff
4335	Amended by Proc. 4382	Revoked by Proc. 4410
4336		Hortatory
4337		Hortatory
4338		Hortatory
4339		Hortatory
4340		Hortatory

Proclamations

<i>Numbers</i>	<i>Amendments</i>	<i>Disposition</i>
141	<i>Amended Proc. 3279.</i>	Revoked by Proc. 5141
142		Hortatory
143		Hortatory
144		Hortatory
145		Amends Proc. 4313
146	<i>Amended by Proc. 4359</i>	Public lands
147		Public lands
148		Hortatory
149		Executed and obsolete
150		Hortatory
151		Hortatory
152		Hortatory
153		Amends Proc. 4313
154	<i>Amended Proc. 5279</i>	Hortatory
155		Revoked by Proc. 5141
156		Hortatory
157		Superseded by Proc. 4492
158		Hortatory
159		Amends Proc. 4346
160		Revoques Procs. 2799, 2937, 2938, 2942, 2972, 3314, 4101
161		Hortatory
162		Hortatory
163		Hortatory
164		Hortatory
165		Hortatory
166		Hortatory
167		Hortatory
168		Hortatory
169		Hortatory
170	<i>Amended Proc. 5279.</i>	Codified at Chapter 15, p. 245
171		Revoked by Proc. 5141
172		Hortatory
173		Hortatory
174		Codified at Chapter 38, p. 782
175		Hortatory
176		Hortatory
177	<i>Amended Proc. 5279</i>	Hortatory
178		Revoked by Proc. 5141
179		Hortatory
180		Hortatory
181		Hortatory
182	<i>Amended Proc. 4335</i>	Hortatory
183		Revoked by Proc. 4410
184		Hortatory
185		Hortatory
186		Hortatory
187		Hortatory
188		Hortatory
189		Hortatory
190		Hortatory
191		Hortatory
192		Hortatory
193		Hortatory
194		Hortatory
195		Hortatory
196		Hortatory
197		Hortatory
198		Hortatory
199		Hortatory
200	<i>Amended Proc. 5279</i>	Revoked by Proc. 5141

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4413		Hortatory
4414		Hortatory
4415		Amends Procs. 2362, 2363
4416		Hortatory
4417		Confirmed termination of EO 9066 by Proc. 2714
4418		Hortatory
4419		Hortatory
4420		Hortatory
4421		Hortatory
4422		Hortatory
4423		Tariff
4424		Hortatory
4425		Hortatory
4426		Hortatory
4427		Hortatory
4428		Hortatory
4429		Hortatory
4430		Hortatory
4431		Hortatory
4432		Hortatory
4433		Hortatory
4434		Hortatory
4435		Hortatory
4436	Amended by Proc. 4604	Tariff
4437		Hortatory
4438		Hortatory
4439		Hortatory
4440		Hortatory
4441		Hortatory
4442		Hortatory
4443	Amended by Proc. 4998	Tariff
4444		Hortatory
4445	Amended by Procs. 4477, 4509, 4559	Tariff
4446		Hortatory
4447		Hortatory
4448		Hortatory
4449		Hortatory
4450		Hortatory
4451		Hortatory
4452		Hortatory
4453		Hortatory
4454		Hortatory
4455		Hortatory
4456		Hortatory
4457		Hortatory
4458		Hortatory
4459		Hortatory
4460		Hortatory
4461		Hortatory
4462		Hortatory
4463	Amended by Procs. 4466, 4539, 4720, 4888	Amends Proc. 4334
4464		Hortatory
4465		Hortatory
4466	Amended by Procs. 4539, 4720, 4888	Amends Proc. 4463
4467		Hortatory
4468		Hortatory
4469		Tariff
4470		Hortatory
4471		Hortatory
4472		Hortatory
4473		Hortatory
4474		Hortatory
4475		Hortatory
4476		Hortatory
4477		Tariff
4478	Amended by Proc. 4480	Amends Proc. 4304
4479		Hortatory
4480		Amends Procs. 4304, 4478
4481		Hortatory
4482		Tariff
4483		Codified at Chapter 2, p. 5
4484		Hortatory

Proclamations

[illegible]

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4558		Hortatory
4559		Amends Procs. 4445, 4509
4560		Codified at Chapter 15, p. 246
4561		Amends EO 11888
4562		Hortatory
4563		Hortatory
4564		Hortatory
4565		Hortatory
4566		Hortatory
4567		Hortatory
4568		Codified at Chapter 28, p. 447
4569		Hortatory
4570		Hortatory
4571		Superseded by Proc. 4914
4572		Hortatory
4573		Hortatory
4574		Hortatory
4575		Hortatory
4576		Hortatory
4577		Tariff
4578		Hortatory
4579		Hortatory
4580		Hortatory
4581		Hortatory
4582		Hortatory
4583		Hortatory
4584		Hortatory
4585		Hortatory
4586		Hortatory
4587		Hortatory
4588		Hortatory
4589		Hortatory
4590		Hortatory
4591		Hortatory
4592		Hortatory
4593		Hortatory
4594		Hortatory
4595		Hortatory
4596		Hortatory
4597		Hortatory
4598		Hortatory
4599		Hortatory
4600		Revoked by Proc. 4812
4601		Hortatory
4602		Hortatory
4603		Hortatory
4604		Amends Procs. 4125, 4436
4605		Hortatory
4606		Hortatory
4607		Hortatory
4608	Extended by Proc. 4884	Tariff
4609		Hortatory
4610	Amended by Proc. 4663, 4941	Tariff
4611		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4612		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4613		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4614		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4615		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4616		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4617		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4618		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4619		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309
4620		Superseded by Pub. L. 96-473 Stat. 2487, 16 U.S.C. 1309

Proclamations

Numbers	Amendments	Disposition
621		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
622		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
623		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
624		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
625		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
626		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
627		Superseded by Pub. L. 96-478 (94 Stat. 2487, 16 U.S.C. 3209)
628		Temporary
629	Amended Proc. 5279	Revoked by Proc. 5141
630		Tariff
631	Amended by Proc. 4887	Tariff
632		Tariff
633		Hortatory
634		Tariff
635		Hortatory
636		Hortatory
637		Hortatory
638		Hortatory
639		Hortatory
640		Tariff
641		Hortatory
642		Tariff
643		Hortatory
644		Hortatory
645		Hortatory
646		Hortatory
647		Hortatory
648		Hortatory
649		Hortatory
650		Hortatory
651		Hortatory
652		Hortatory
653		Hortatory
654		Hortatory
655	Amended Proc. 5279	Revoked by Proc. 5141
656		Hortatory
657		Hortatory
658		Hortatory
659		Hortatory
660		Hortatory
661		Hortatory
662		Hortatory
663	Amended by Procs. 4770, 4941	Amends Proc. 4610
664		Hortatory
665		Hortatory
666		Hortatory
667	Amended by Procs. 4750, 4813	Revoked by Proc. 4820
668		Tariff
669		Hortatory
670		Hortatory
671		Hortatory
672		Hortatory
673		Hortatory
674		Hortatory
675		Hortatory
676		Hortatory
677		Hortatory
678		Hortatory
679		Hortatory
680		Hortatory
681		Hortatory
682		Hortatory
683		Hortatory
684		Hortatory
685		Hortatory
686		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4687		Hortatory
4688		Hortatory
4689		Hortatory
4690		Hortatory
4691		Hortatory
4692		Hortatory
4693		Hortatory
4694	Amended by Procs. 4876, 4993	Tariff
4695		Hortatory
4696		Hortatory
4697		Codified at Chapter 15, p. 247
4698		Hortatory
4699		Hortatory
4700		Hortatory
4701		Executed and obsolete
4702	Amended Proc. 3279; Amended by E.O. 12282	Revoked by Proc. 5161
4703		Hortatory
4704		Hortatory
4705		Hortatory
4706		Hortatory
4707	Amended by Procs. 4768, 4792, 4808, 4817, 4889, 4904, 4980, 5050, 5365, 5452, E.Os 12204, 12302, 12354, 12371, 12389, 12413, 12459, 13471	Tariff
4708		Tariff
4709		Hortatory
4710		Hortatory
4711		Tariff
4712		Temporary
4713		Tariff
4714		Tariff
4715		Temporary
4716		Hortatory
4717		Hortatory
4718		Hortatory
4719		Hortatory
4720	Amended by Proc. 4888	Amends Procs. 4334, 4463, 4468, 4731
4721		Hortatory
4722		Hortatory
4723		Hortatory
4724		Hortatory
4725		Hortatory
4726		Codified at Chapter 28, p. 461
4727		Hortatory
4728		Hortatory
4729		Public lands
4730		Hortatory
4731		Hortatory
4732		Hortatory
4733		Hortatory
4734		Hortatory
4735		Executed and obsolete
4736		Hortatory
4737		Hortatory
4738		Hortatory
4739		Hortatory
4740		Hortatory
4741		Hortatory
4742		Tariff
4743		Hortatory
4744	Amended Proc. 3279; Amended by Procs. 4748, 4751	Rescinded by Proc. 4766
4745		Hortatory
4746		Hortatory
4747		Hortatory
4748	Amended Proc. 4744	Rescinded by Proc. 4766
4749		Hortatory
4750	Amended Proc. 4667; Amended by Proc. 4813	Revoked by Proc. 4820
4751	Amended Proc. 4744	Rescinded by Proc. 4766
4752		Hortatory
4753		Hortatory
4754		Hortatory
4755		Hortatory
4756		Temporary

Proclamations

Numbers	Amendments	Disposition
457		Hortatory
458		Hortatory
459		Tariff
460		Hortatory
461		Hortatory
462		Revoked by Proc. 4766
463		Hortatory
464		Hortatory
465		Hortatory
466	Amended Proc. 4279	Rescinds Proc. 4744 Revokes Proc. 4762
467		Hortatory
468	Amended by Procs. 4792, 4904, 4980, 5365, 5452, EO's 12302, 12311, 12354, 12413, 12471.	Tariff
469		Tariff
470	Amended by Proc. 4941	Amends Proc. 4663
471		Codified at Chapter 32, p. 524
472		Hortatory
473		Hortatory
474		Hortatory
475		Hortatory
476		Hortatory
477		Hortatory
478		Hortatory
479		Hortatory
480		Hortatory
481		Hortatory
482		Hortatory
483		Hortatory
484		Hortatory
485		Hortatory
486		Hortatory
487		Hortatory
488		Hortatory
489		Hortatory
490		Hortatory
491		Hortatory
492		Amends Procs. 4707, 4768
493		Tariff
494		Hortatory
495		Hortatory
496		Hortatory
497		Hortatory
498		Hortatory
499		Hortatory
500		Hortatory
501		Tariff
502		Hortatory
503		Hortatory
504		Hortatory
505		Tariff
506		Hortatory
507	Amended by Proc. 4835	Tariff
508		Amends Proc. 4707
509		Tariff
510		Hortatory
511		Tariff
512		Revokes Proc. 4600
513	Amended Proc. 4667	Revoked by Proc. 4820
514		Hortatory
515		Hortatory
516		Hortatory
517		Hortatory
518		Amends Proc. 4707
519		Hortatory
520		Hortatory
521		Revokes Proc. 4813
522		Hortatory
523		Hortatory
524		Hortatory
525		Hortatory
526		Hortatory
527		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4828		Hortatory
4829		Hortatory
4830		Hortatory
4831		Hortatory
4832		Temporary
4833		Hortatory
4834		Hortatory
4835		Tariff
4836		Hortatory
4837		Hortatory
4838		Hortatory
4839		Hortatory
4840		Hortatory
4841		Hortatory
4842		Hortatory
4843		Hortatory
4844		Hortatory
4845		Hortatory
4846		Hortatory
4847		Hortatory
4848		Hortatory
4849		Hortatory
4850		Hortatory
4851		Hortatory
4852		Hortatory
4853		Hortatory
4854		Hortatory
4855		Hortatory
4856		Temporary
4857		Hortatory
4858		Hortatory
4859		Hortatory
4860		Hortatory
4861		Hortatory
4862		Hortatory
4863		Hortatory
4864		Hortatory
4865		Codified at Chapter 8, p. 151
4866		Hortatory
4867		Hortatory
4868		Hortatory
4869		Hortatory
4870		Hortatory
4871		Hortatory
4872		Temporary
4873		Hortatory
4874		Hortatory
4875		Hortatory
4876	Amended by Proc. 4993	Tariff
4877		Hortatory
4878		Hortatory
4879		Hortatory
4880		Hortatory
4881		Hortatory
4882		Hortatory
4883		Tariff
4884		Hortatory
4885		Hortatory
4886		Tariff
4887	Amended by Proc. 4940	Tariff
4888		Tariff
4889		Tariff
4890		Hortatory
4891		Hortatory
4892		Hortatory
4893		Hortatory
4894		Hortatory
4895		Hortatory
4896		Hortatory
4897		Hortatory
4898		Hortatory
4899		Hortatory
4900		Hortatory

Proclamations

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
4974		Hortatory
4975		Hortatory
4976		Hortatory
4977		Hortatory
4978		Hortatory
4979		Hortatory
4980		Tariff
4981		Hortatory
4982		Hortatory
4983		Hortatory
4984		Hortatory
4985		Hortatory
4986		Hortatory
4987		Hortatory
4988		Hortatory
4989		Hortatory
4990		Hortatory
4991	Amended by Proc. 5048	Revoked by Proc. 5610
4992		Hortatory
4993		Tariff
4994		Hortatory
4995		Hortatory
4996		Hortatory
4997		Hortatory
4998		Tariff
4999		Hortatory
5000		Hortatory
5001		Hortatory
5002		Tariff
5003		Hortatory
5004		Hortatory
5005		Hortatory
5006		Hortatory
5007		Hortatory
5008		Hortatory
5009		Hortatory
5010		Hortatory
5011		Hortatory
5012		Hortatory
5013		Hortatory
5014		Hortatory
5015		Hortatory
5016		Hortatory
5017		Hortatory
5018		Hortatory
5019		Hortatory
5020		Hortatory
5021		Tariff
5022		Hortatory
5023		Hortatory
5024		Hortatory
5025		Hortatory
5026		Hortatory
5027		Hortatory
5028		Hortatory
5029		Hortatory
5030		Codified at Chapter 15, p. 20
5031		Hortatory
5032		Hortatory
5033		Hortatory
5034		Hortatory
5035		Hortatory
5036		Hortatory
5037		Hortatory
5038		Hortatory
5039		Hortatory
5040		Hortatory
5041		Hortatory
5042		Hortatory
5043		Hortatory
5044		Hortatory
5045		Hortatory
5046		Hortatory

Proclamations

Codification of Presidential Proclamations and Executive Orders

<i>Numbers</i>	<i>Amendments</i>	<i>Disposition</i>
5120		Hortatory
5121		Temporary
5122		Hortatory
5123		Hortatory
5124		Hortatory
5125		Hortatory
5126		Hortatory
5127		Hortatory
5128		Hortatory
5129		Hortatory
5130		Hortatory
5131		Hortatory
5132		Hortatory
5133	Amended by Procs. 5142, 5308, 5365	Tariff
5134		Hortatory
5135		Hortatory
5136		Hortatory
5137		Hortatory
5138		Hortatory
5139		Hortatory
5140		Tariff
5141		Tariff
5142	Amended by Proc. 5365	Tariff
5143		Hortatory
5144		Hortatory
5145		Hortatory
5146		Hortatory
5147		Hortatory
5148		Hortatory
5149		Hortatory
5150		Hortatory
5151		Hortatory
5152		Hortatory
5153		Hortatory
5154		Hortatory
5155		Hortatory
5156		Hortatory
5157		Hortatory
5158		Hortatory
5159		Hortatory
5160		Hortatory
5161		Hortatory
5162		Hortatory
5163		Hortatory
5164	Amended by Proc. 5313	Tariff
5165		Hortatory
5166		Hortatory
5167		Hortatory
5168		Hortatory
5169		Hortatory
5170		Hortatory
5171		Hortatory
5172		Hortatory
5173		Hortatory
5174		Hortatory
5175		Hortatory
5176		Hortatory
5177		Hortatory
5178		Hortatory
5179		Hortatory
5180		Hortatory
5181		Hortatory
5182		Hortatory
5183		Hortatory
5184		Hortatory
5185		Hortatory
5186		Hortatory
5187		Hortatory
5188		Hortatory
5189		Hortatory
5190		Hortatory
5191		Hortatory
5192		Hortatory

Proclamations

Numbers	Amendments	Disposition
1193		Hortatory
1194		Hortatory
1195		Temporary
1196		Hortatory
1197		Hortatory
1198		Hortatory
1199		Hortatory
1200		Hortatory
1201		Hortatory
1202		Hortatory
1203		Hortatory
1204		Hortatory
1205		Hortatory
1206		Hortatory
1207		Codified at Chapter 28, p. 452
1208		Hortatory
1209		Hortatory
1210		Hortatory
1211		Hortatory
1212		Hortatory
1213		Hortatory
1214		Hortatory
1215		Temporary
1216		Hortatory
1217		Hortatory
1218		Hortatory
1219		Hortatory
1220		Hortatory
1221		Hortatory
1222		Hortatory
1223		Hortatory
1224		Hortatory
1225		Hortatory
1226		Hortatory
1227		Hortatory
1228		Hortatory
1229		Hortatory
1230		Hortatory
1231		Hortatory
1232		Hortatory
1233		Hortatory
1234		Hortatory
1235		Hortatory
1236		Hortatory
1237		Hortatory
1238		Hortatory
1239		Hortatory
1240		Hortatory
1241		Hortatory
1242		Hortatory
1243		Hortatory
1244		Hortatory
1245		Hortatory
1246		Hortatory
1247		Hortatory
1248		Hortatory
1249		Hortatory
1250		Hortatory
1251		Hortatory
1252		Hortatory
1253		Hortatory
1254		Hortatory
1255		Hortatory
1256		Hortatory
1257		Hortatory
1258		Hortatory
1259		Hortatory
1260		Hortatory
1261		Hortatory
1262		Hortatory
1263		Hortatory
1264		Hortatory
1265		Hortatory
1266		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
5266		Hortatory
5267		Hortatory
5268		Hortatory
5269		Hortatory
5270		Hortatory
5271		Hortatory
5272		Hortatory
5273		Hortatory
5274		Hortatory
5275		Hortatory
5276		Hortatory
5277		Hortatory
5278		Hortatory
5279		Hortatory
5280		Hortatory
5281		Hortatory
5282		Hortatory
5283		Hortatory
5284		Hortatory
5285		Hortatory
5286		Hortatory
5287		Hortatory
5288		Hortatory
5289		Hortatory
5290		Hortatory
5291	Amended by Procs. 5305, 5365, 5646	Tariff
5292		Hortatory
5293		Hortatory
5294		Tariff
5295		Hortatory
5296		Hortatory
5297		Tariff
5298		Hortatory
5299		Hortatory
5300		Hortatory
5301		Hortatory
5302		Hortatory
5303		Hortatory
5304		Hortatory
5305	Amended by Proc. 5365	Tariff
5306		Hortatory
5307		Hortatory
5308	Amended by Proc. 5365	Tariff
5309		Hortatory
5310		Hortatory
5311		Hortatory
5312		Tariff
5313		Hortatory
5314		Hortatory
5315		Hortatory
5316		Hortatory
5317		Hortatory
5318		Hortatory
5319		Hortatory
5320		Hortatory
5321		Hortatory
5322		Hortatory
5323		Hortatory
5324		Hortatory
5325		Hortatory
5326		Hortatory
5327		Hortatory
5328		Hortatory
5329		Hortatory
5330		Hortatory
5331		Hortatory
5332		Hortatory
5333		Hortatory
5334		Hortatory
5335		Hortatory
5336		Hortatory
5337		Hortatory
5338		Hortatory

Proclamations

Numbers	Amendments	Disposition
139		Hortatory
140		Tariff
141		Hortatory
142		Hortatory
143		Hortatory
144		Hortatory
145		Hortatory
146		Hortatory
147		Hortatory
148		Hortatory
149		Hortatory
150		Hortatory
151		Hortatory
152		Hortatory
153		Hortatory
154	Amended by Proc. 5363	Tariff
155		Hortatory
156		Hortatory
157		Hortatory
158		Hortatory
159		Hortatory
160		Hortatory
161		Hortatory
162		Hortatory
163		Tariff
164		Hortatory
165	Amended by Procs. 5452, 5453, 5690	Tariff
166		Hortatory
167		Hortatory
168		Hortatory
169		Hortatory
170		Hortatory
171		Hortatory
172		Hortatory
173		Hortatory
174		Hortatory
175		Hortatory
176		Hortatory
177		Codified at Chapter 8, p. 151
178		Hortatory
179		Hortatory
180		Hortatory
181		Hortatory
182		Hortatory
183		Hortatory
184		Hortatory
185		Hortatory
186		Hortatory
187		Hortatory
188		Hortatory
189		Hortatory
190		Hortatory
191		Hortatory
192		Hortatory
193		Hortatory
194		Hortatory
195		Hortatory
196		Hortatory
197		Hortatory
198		Hortatory
199		Hortatory
200		Hortatory
201		Hortatory
202		Hortatory
203		Hortatory
204		Hortatory
205		Hortatory
206		Hortatory
207		Hortatory
208		Hortatory
209		Hortatory
210		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
5411		Hortatory
5412		Hortatory
5413		Hortatory
5414		Hortatory
5415		Hortatory
5416		Hortatory
5417		Hortatory
5418		Hortatory
5419		Hortatory
5420		Hortatory
5421		Hortatory
5422		Hortatory
5423		Tariff
5424		Hortatory
5425		Tariff
5426		Hortatory
5427		Hortatory
5428		Hortatory
5429		Hortatory
5430		Hortatory
5431		Hortatory
5432		Hortatory
5433		Hortatory
5434		Temporary
5435		Hortatory
5436		Hortatory
5437		Tariff
5438		Hortatory
5439		Hortatory
5440		Hortatory
5441		Hortatory
5442		Hortatory
5443		Hortatory
5444		Hortatory
5445		Hortatory
5446		Hortatory
5447		Hortatory
5448		Tariff
5449		Hortatory
5450		Hortatory
5451		Hortatory
5452		Tariff
5453	Amended by Proc. 5660	Tariff
5454		Hortatory
5455		Hortatory
5456		Hortatory
5457		Hortatory
5458		Tariff
5459		Hortatory
5460		Hortatory
5461		Hortatory
5462		Hortatory
5463		Hortatory
5464		Hortatory
5465		Hortatory
5466		Hortatory
5467		Hortatory
5468		Hortatory
5469		Hortatory
5470		Hortatory
5471		Hortatory
5472		Hortatory
5473		Hortatory
5474		Hortatory
5475		Hortatory
5476		Hortatory
5477		Hortatory
5478		Tariff
5479		Hortatory
5480		Hortatory
5481		Hortatory
5482		Hortatory
5483		Hortatory

Proclamations

Number	Amendments	Disposition
94		Hortatory
95		Hortatory
96		Hortatory
97		Hortatory
98		Hortatory
99		Hortatory
100		Hortatory
101		Hortatory
102		Hortatory
103		Hortatory
104		Hortatory
105		Hortatory
106		Hortatory
107		Hortatory
108		Hortatory
109		Hortatory
110		Hortatory
111		Hortatory
112		Hortatory
113		Hortatory
114		Hortatory
115		Hortatory
116		Hortatory
117		Codified at Chapter 8, p. 152
118		Hortatory
119		Hortatory
120		Hortatory
121		Hortatory
122		Hortatory
123		Hortatory
124		Hortatory
125		Hortatory
126		Hortatory
127		Hortatory
128		Hortatory
129		Hortatory
130		Hortatory
131		Hortatory
132		Hortatory
133		Hortatory
134		Hortatory
135		Hortatory
136		Hortatory
137		Hortatory
138		Hortatory
139		Hortatory
140		Hortatory
141		Hortatory
142		Hortatory
143		Hortatory
144		Hortatory
145		Hortatory
146		Hortatory
147		Hortatory
148		Hortatory
149		Hortatory
150		Hortatory
151		Hortatory
152		Hortatory
153		Hortatory
154		Hortatory
155		Hortatory
156		Hortatory
157		Hortatory
158		Hortatory
159		Hortatory
160		Hortatory
161		Hortatory
162		Hortatory
163		Hortatory
164		Hortatory
165		Hortatory
166		Hortatory
167		Hortatory
168		Hortatory
169		Hortatory
170		Hortatory
171		Hortatory
172		Hortatory
173		Hortatory
174		Hortatory
175		Hortatory
176		Hortatory
177		Hortatory
178		Hortatory
179		Hortatory
180		Hortatory
181		Hortatory
182		Hortatory
183		Hortatory
184		Hortatory
185		Hortatory
186		Hortatory
187		Hortatory
188		Hortatory
189		Hortatory
190		Hortatory
191		Hortatory
192		Hortatory
193		Hortatory
194		Hortatory
195		Hortatory
196		Hortatory
197		Hortatory
198		Hortatory
199		Hortatory
200		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
5557		Hortatory
5558		Hortatory
5559		Hortatory
5560		Hortatory
5561		Hortatory
5562		Hortatory
5563		Hortatory
5564		Codified at Chapter 28, p. 456
5565		Hortatory
5566		Hortatory
5567		Hortatory
5568		Hortatory
5569		Hortatory
5570		Hortatory
5571		Hortatory
5572		Hortatory
5573		Hortatory
5574		Hortatory
5575		Hortatory
5576		Hortatory
5577		Hortatory
5578		Hortatory
5579		Hortatory
5580		Hortatory
5581		Hortatory
5582		Hortatory
5583		Hortatory
5584		Hortatory
5585		Hortatory
5586		Hortatory
5587		Hortatory
5588		Hortatory
5589		Hortatory
5590		Hortatory
5591		Hortatory
5592		Hortatory
5593		Hortatory
5594		Hortatory
5595		Nullified by FR Doc. 87-475, in 1 1987 (52 FR 1111)
5596		Hortatory
5597		Hortatory
5598		Hortatory
5599		Hortatory
5600		Hortatory
5601		Nullified by FR Doc. 87-218, in 1 1987 (52 FR 1583)
5602		Hortatory
5603		Hortatory
5604		Hortatory
5605		Hortatory
5606		Hortatory
5607		Hortatory
5608		Hortatory
5609		Hortatory
5610		Tariff
5611		Hortatory
5612		Hortatory
5613		Hortatory
5614		Hortatory
5615		Hortatory
5616		Hortatory
5617		Tariff
5618		Tariff
5619		Hortatory
5620		Hortatory
5621		Hortatory
5622		Hortatory
5623		Hortatory
5624		Hortatory
5625		Hortatory
5626		Hortatory
5627		Hortatory

Proclamations

Numbers	Amendments	Disposition
5628		Hortatory
5629		Hortatory
5630		Hortatory
5631	Modified by FR Doc. 87-13550, June 16, 1987 (52 FR 22693), and FR Doc. 87-25938, Nov. 10, 1987 (52 FR 43146).	Tariff
5632		Hortatory
5633		Hortatory
5634		Hortatory
5635		Hortatory
5636		Hortatory
5637		Hortatory
5638		Hortatory
5639		Hortatory
5640		Hortatory
5641		Hortatory
5642		Hortatory
5643		Hortatory
5644		Hortatory
5645		Hortatory
5646		Tariff
5647		Hortatory
5648		Hortatory
5649		Hortatory
5650		Hortatory
5651		Hortatory
5652		Hortatory
5653		Hortatory
5654		Hortatory
5655		Hortatory
5656		Hortatory
5657		Hortatory
5658		Codified at Chapter 37, p. 772
5659		Hortatory
5660		Temporary
5661		Tariff
5662		Hortatory
5663		Hortatory
5664		Hortatory
5665		Hortatory
5666		Hortatory
5667		Hortatory
5668		Hortatory
5669		Hortatory
5670		Hortatory
5671		Hortatory
5672		Hortatory
5673		Hortatory
5674		Hortatory
5675		Hortatory
5676		Hortatory
5677		Hortatory
5678		Hortatory
5679		Hortatory
5680		Tariff
5681		Hortatory
5682		Hortatory
5683		Hortatory
5684		Hortatory
5685		Hortatory
5686		Hortatory
5687		Hortatory
5688		Hortatory
5689		Hortatory
5690		Hortatory
5691		Tariff
5692		Hortatory
5693		Hortatory
5694		Hortatory
5695		Hortatory
5696		Hortatory
5697		Hortatory
5698		Hortatory
5699		Hortatory
5700		Hortatory

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
5699		Hortatory
5700		Hortatory
5701		Hortatory
5702		Hortatory
5703		Hortatory
5704		Hortatory
5705		Hortatory
5706		Hortatory
5707		Hortatory
5708		Hortatory
5709		Hortatory
5710		Hortatory
5711		Hortatory
5712		Tariff
5713		Hortatory
5714		Hortatory
5715		Hortatory
5716		Hortatory
5717		Hortatory
5718		Tariff
5719		Hortatory
5720		Hortatory
5721		Hortatory
5722		Hortatory
5723		Hortatory
5724		Hortatory
5725		Hortatory
5726		Hortatory
5727		Tariff
5728		Hortatory
5729		Hortatory
5730		Hortatory
5731		Hortatory
5732		Hortatory
5733		Hortatory
5734		Hortatory
5735		Tariff
5736		Hortatory
5737		Hortatory
5738		Hortatory
5739		Hortatory
5740		Hortatory
5741		Hortatory
5742		Hortatory
5743		Hortatory
5744		Hortatory
5745		Hortatory
5746		Hortatory
5747		Hortatory
5748		Executed and obsolete
5749		Hortatory
5750		Hortatory
5751		Hortatory
5752		Hortatory
5753		Hortatory
5754		Tariff
5755		Hortatory
5756		Hortatory
5757		Hortatory
5758		Tariff
5759		Tariff
5760		Hortatory
5761		Hortatory
5762		Hortatory
5763		Hortatory
5764		Hortatory
5765		Hortatory
5766		Hortatory
5767		Hortatory
5768		Hortatory
5769		Hortatory
5770		Hortatory
5771		Hortatory

Proclamations

Codification of Presidential Proclamations and Executive Orders

Numbers	Amendments	Disposition
5845		Hortatory
5846		Hortatory
5847		Hortatory
5848		Hortatory
5849		Hortatory
5850		Hortatory
5851		Hortatory
5852		Hortatory
5853		Hortatory
5854		Hortatory
5855		Hortatory
5856		Hortatory
5857		Hortatory
5858		Hortatory
5859		Hortatory
5860		Hortatory
5861		Hortatory
5862		Hortatory
5863		Hortatory
5864		Hortatory
5865		Hortatory
5866		Hortatory
5867		Hortatory
5868		Hortatory
5869		Hortatory
5870		Hortatory
5871		Hortatory
5872		Hortatory
5873		Hortatory
5874		Hortatory
5875		Hortatory
5876		Hortatory
5877		Hortatory
5878		Hortatory
5879		Hortatory
5880		Hortatory
5881		Hortatory
5882		Hortatory
5883		Hortatory
5884		Hortatory
5885		Hortatory
5886		Hortatory
5887		Hortatory
5888		Hortatory
5889		Hortatory
5890		Hortatory
5891		Hortatory
5892		Hortatory
5893		Hortatory
5894		Hortatory
5895		Hortatory
5896		Hortatory
5897		Hortatory
5898		Hortatory
5899		Hortatory
5900		Hortatory
5901		Hortatory
5902		Hortatory
5903		Hortatory
5904		Hortatory
5905		Hortatory
5906		Hortatory
5907		Hortatory
5908	Amended by Proc. 5916	Tariff
5909		Tariff
5910		Hortatory
5911		Tariff
5912		Hortatory
5913		Hortatory
5914		Hortatory
5915		Hortatory
5916		Amends Proc. 5908
5917		Hortatory

Proclamations

Numbers	Amendments	Disposition
918		Hortatory
919		Hortatory
920		Hortatory
921		Hortatory
922		Hortatory
923		Tariff
924		Tariff
925		Tariff
926		Hortatory
927		Hortatory
928		Codified at Chapter 33, p. 666
929		Hortatory
930		Hortatory
931		Hortatory
932		Hortatory
933		Hortatory
934		Hortatory

Executive Orders

Number or Date	Amendments	Disposition
EO 9, 1849		Superseded by EO 9761
EO 28, 1852	Amended by Procs. 3273, 4319	Public lands
EO 4, 1856		Revoked by Proc. 2318
EO 21, 1871	Amended by EO 10374	Public lands
	Clarified by EO 4-2. Amended by EOs 653, 1118, 1210, 1390, 1472, 1583, 1991, 2071, 2154, 2252, 2596, 3771, 3941, 4013, 4048, 4059, 4250, 4439, 4527, 4627, 5173, 5187, 5188, 5627, 5666, 5700, 6051, 6108, 6518, 6824, 7332, 7369, 7636, 7648, 7736, 7796, 7823, 7896, 7944, 8390, 8399, 8516, 8880, 8980, 9442, 9845, 10044, 10055, 10645	Revoked by EO 11408
	Clarified EO 9. Modified by EO 5128. Amended by EO 6259	Revoked by EO 11408
EO 21, 1874		Revoked by Proc. 2313
EO 28, 1874	Amended by Procs. 2313, 2319, 2336	Public lands
EO 31, 1896		Revoked by EO 9521
EO 12, 1898		Revoked by EO 8168
EO 20, 1899	Amended by EOs 2694, 2800, 10665, 10719. Modified by EO 1137	Public lands
EO 18, 1914	Amended by EO 8507	Public lands
		Revoked by EO 10077
		Revoked by EO 10264
		Revoked by EO 8084
		Revoked by EO 8396
		Revoked by EO 8036
		Superseded by EO 11048
		Revoked by EO 9830
		Revoked by EO 9830
	Amended by EO 1065	Revoked by EO 9830
	Amended by EOs 2960, 9196	Superseded by EO 11755
		Revoked by EO 7795
	Amended by EOs 3088, 3215	Superseded by EO 9367
		Revoked by EO 9830
	Amended by EO 3206	Board abolished by EO 6680
		Revoked by EO 8036
	Amended by EO 10009	Authority repealed by act of June 27, 1952 (66 Stat. 279)
	Amended EO 9. Amended by EO 661	Revoked by EO 8036
	Amended EO 653	Revoked by EO 11408
		Revoked by EO 11408
		Revoked by EO 9830
		Revoked by EO 12553
		Revoked by EO 8196
	Amended by EO 1153	Revoked by EO 9830
		Revoked by EO 10869

Codification of Presidential Proclamations and Executive Orders

Number or Date	Amendments	Disposition
983	Amended by EO 1776	Revoked by EO 9830
1008	Amended by EOs 1175, 1362, 1559, 2323, 2464, 2901, 5487	Public lands
1032	Amended by EOs 1439, 1486, 2178, 3468, 3725, 3904, 4860, 5375, 7417, 7655, 8380	Public lands
1065	Amended EO 314	Revoked by EO 9830
1072	Amended by EO 3158	Revoked by EO 11408
1076	Amended EO 9	Superseded by EO 9636
1118	Amended by EOs 2694, 2800, 6570	Revoked by EO 11408
1137	Amended EO 758	Public lands
1153	Amended by EOs 1362, 1559, 5487	Revoked by EO 9830
1175	Amended EO 9	Public lands
1210	Amended by EOs 2694, 2800, 6570	Revoked by EO 11408
1242	Amended by EOs 1559, 5487	Public lands
1277	Amended EO 9	Superseded by EO 9167
1362	Amended by EO 8380	Public lands
1390	Amended EO 9	Revoked by EO 11408
1439	Amended EO 9	Public lands
1472	Amended EO 9	Revoked EO 11408
1486	Amended by EOs 1930, 1947, 2325, 2819, 3359, 3597, 3668, 3860, 4013, 4048, 5627	Public lands
1556	Amended EO 1032	Revoked by EO 7417
1559	Amended by EO 5375	Revoked by EO 1637
1583	Amended by EO 5487	Public lands
1624	Amended EO 9	Revoked by EO 11408
1637	Amended by EO 1776	Revoked by EO 10869
Dec. 13, 1912	Amended by EOs 3862, 4225, 6444	Revoked by EO 2390
1712	Modified by EO 10755	Public lands
1776	Amended by EO 10079	Authority repealed by act of Jan. 7, 1952 (66 Stat. 279)
1778	Amended EOs 983, 1624	Revoked by EO 10869
Jan. 24, 1914	Amended by EO 8965	Public lands
1888	Amended by EOs 2514, 3232, 8215, 8931, 8986, 9467, 9580, 9740, 10263	Codified at Chapter B, p. 77
1930	Amended EO 1472	Revoked by EO 11408
1947	Amended EO 1472	Revoked by EO 11408
1950	Amended EO 9	Revoked by EO 8036
1991	Amended by EO 8507	Public lands
Aug. 8, 1914	Amended EO 9	Revoked by EO 11408
2071	Amended EO 9	Revoked by EO 10869
2119	Amended EO 9	Revoked by EO 11408
2154	Amended EO 9	Revoked by EO 10751
2164	Amended EO 9	Public lands
2178	Extended by EOs 2405A, 2656A, 2755A	Executed and obsolete
2245½	Amended by EO 8059	Public lands
2246	Amended EO 9	Revoked by EO 11408
2252	Amended EO 9	Revoked by EO 4521
2262	Amended by EOs 2464, 2581, 5487	Public lands
2323	Modified by EO 9861	Revoked by EO 11408
2325	Amended EO 1472	Public lands
2335	Modified by EO 9861	Revoked by EO 9830
2357	Amended by EO 9646	Revoked by EO 10798
2382	Continued EO 2243½	Revoked by EO 10798
2390	Continued EO 2243½	Executed and obsolete
2405A	Continued EO 2243½	Revoked by EO 8386
2406	Continued EO 2243½	Revoked by EO 10514
2414	Continued EO 2243½	Revoked by EO 10751
2458	Continued EO 2243½	Revoked by EO 9608
2463	Continued EO 2243½	Public lands
2464	Continued EO 2243½	Revoked by EO 8196
2483	Continued EO 2243½	Amends EO 1888
2514	Continued EO 2243½	Revoked by EO 3461
2560	Continued EO 2243½	Public lands
2566	Continued EO 2243½	Public lands
2581	Continued EO 2243½	Revoked by EO 3461
2587A	Continued EO 2243½	Revoked by EO 3461
2596	Continued EO 2243½	Revoked by EO 3461
2600	Continued EO 2243½	Revoked by EO 3461
2602	Continued EO 2243½	Revoked by EO 3461
Apr. 30, 1917	Continued EO 2243½	Revoked by EO 3461

Executive Orders

Number or Date	Amendments	Disposition
214		Revoked by EO 3461
217		Revoked by EO 3461
219		Revoked by EO 3461
250A	Continued EO 2245½	Executed and obsolete
259		Revoked by EO 3461
269	Amended EO of July 20, 1899. EOs 1137, 1242	Revoked by EO 2800
274		Revoked by EO 3461
271		Revoked by EO 3461
272	Amended by EO 6584	Public lands
277		Revoked by EO 3461
274		Revoked by EO 3461
280		Revoked by EO 3461
281		Revoked by EO 3461
282		Revoked by EO 3461
287		Revoked by EO 3461
294		Revoked by EO 3461
295A	Continued EO 2245½	Revoked by EO 3461
299		Revoked by EO 3461
291		Revoked by EO 3461
292		Revoked by EO 3461
294		Revoked by EO 3461
295A		Revoked by EO 3461
296		Revoked by EO 3461
296		Revoked by EO 3461
296		Revoked by EO 3461
294		Revoked by EO 3461
300	Amended by EOs 4274, 5771, 6570, 9995, 10454, 10665, 10719	Public lands
304	Amended EO 1472	Revoked by EO 3461
301		Revoked by EO 11408
302		Revoked by EO 3461
303		Revoked by EO 3461
304		Revoked by EO 3461
305		Revoked by EO 3461
309	Amended by EO 2996	Revoked by EO 3461
312		Nullified by act of Mar. 3, 1921 (41 Stat. 1359)
319	Amended by EO 10668	Revoked by EO 3461
320		Codified at Chapter 9, p. 161
325		Revoked by EO 3461
326		Revoked by EO 3461
327		Revoked by EO 3461
328	Amended by EOs 3070, 4535, 5414, 7010, 7503, 8109, 10688, 10711	Public lands
331	Amended by EO 5487	Public lands
332		Revoked by EO 3461
333		Revoked by EO 3461
334	Amended by EOs 3005, 3058, 3231, 3294, 3326, 3427, 3457, 3505, 3555, 3562, 3629, 3689, 3718	Superseded by EOs 4027, 4125
344A	Amended EO 3254	Superseded by EO 11755
351		Revoked by EO 3461
351		Revoked by EO 3461
351		Revoked by EO 9019
356		Revoked by EO 3461
357	Amended EOs 1888, 2834	Revoked by EO 3461
361	Amended EO 2932	Superseded by EOs 4027, 4125
359	Amended by EOs 3083, 4577, 4589	Revoked by EO 5924
370	Amended EO 2932	Superseded by EOs 4027, 4125
383		Public lands
389	Amended EO 3011. Amended by EOs 4577, 4589	Revoked by EO 5924
398	Amended EO 359	Superseded by EO 9367
397		Revoked by EO 9830
391		Revoked by EO 8036
391	Amended EO 1072	Revoked by EO 11408
398		Amends EO 2581
400	Amended EO 493. Amended by EOs 3246, 3391, 4547, 5268, 6918, 7262, 7688	Revoked by EO 9094
401	Amended EO 359	
401	Amended EO 2932	Superseded by EO 9367
406	Amended by EOs 4721, 8986, 9164, 9467	Superseded by EOs 4027, 4125
407A	Amended EO 3206. Amended by EO 7262	Amends EO 1888
		Revoked by EO 9094
		Revoked by EO 9830

Codification of Presidential Proclamations and Executive Orders

Number or Date	Amendments	Disposition
3294	Amended EO 2932	Superseded by EOs 4027, 4125
3313		Revoked by EO 9521
3326	Amended EO 2932	Superseded by EOs 4027, 4125
3358	Amended by EOs 6584, 8527, 9752. Modified by EOs 8527, 9860.	Public lands
3359	Amended EO 1472	Revoked by EO 11408
3375		Superseded by EO 8083
3391	Amended EO 3206. Amended by EOs 4547, 7262	Revoked by EO 9094
3427	Amended EO 2932	Revoked by EO 3562
3457	Amended EO 2932	Superseded by EOs 4027, 4125
3461		Revokes EO of Apr. 30, 1917. EOs 2560, 2587A, 2596, 2600, 2602, 2604, 2617, 2628, 2659, 2716, 2721, 2731, 2734, 2740, 2741, 2742, 2752, 2754, 2755A, 2756, 2761, 2762, 2763, 2765A, 2766, 2768, 2786, 2794, 2801, 2821, 2822, 2828, 2829, 2833, 2852, 2870, 2875, 2876, 2892, 2918, 2921, 2964A, 2975, 2995, 2996
3468		Public lands
3505	Amended EO 2932	Replaced by EO 3629
3513	Amended by EO 6779	Revoked by EO 10530
3550		Authority repealed by Pub. L. 97-251 (96 Stat. 907)
3555	Amended EO 2932	Superseded by EOs 4027, 4125
3562	Amended EO 2932	Superseded by EOs 4027, 4125
3577	Amended by EO 11354	Revoked by EO 12553
3578		Nullified by Pub. L. 97-251 (96 Stat. 907)
3597	Amended EO 1472	Revoked by EO 11408
3629	Amended EO 2932. Amended by EO 3689	Superseded by EOs 4027, 4125
3653A		Revoked by EO 8346
3662	Amended EO 1472	Revoked by EO 11408
3689	Amended EOs 2932, 3629	Superseded by EOs 4027, 4125
3696		Superseded by EO 8080
3718	Amended EO 2932	Superseded by EOs 4027, 4125
3725	Amended EO 1032	Revoked by EO 4860
3731		Revoked by EO 9521
3771	Amended EO 9	Revoked by EO 11408
3820	Modified by EO 10850	Public lands
3860	Amended EO 1472	Revoked by EO 11408
3862	Amended by EO 6444	Revoked by EO 8346
3899		Public lands
3900		Revoked by EO 8346
3904		Amends EO 1032
Nov. 9, 1923	Amended by EO 8507	Public lands
3941	Amended EO 9	Revoked by EO 11408
3973		Superseded by EO 7986
3987		Revoked by EO 8307
4013	Amended EO 1472	Revoked by EO 11408
4022	Amended by EOs 4032, 4086, 4815	Revoked by EO 5189
4027		Revoked by EO 4125
4030	Amended by EO 4523	Revoked by EO 9830
4032	Amended EO 4022	Revoked by EO 5189
4036		Nullified by EO 10080
4046	Amended EO 1472	Revoked by EO 11408
4049		Authority repealed by act of Jan. 7, 1952 (66 Stat. 163)
4059	Amended EO 9	Revoked by EO 11408
4086	Amended EO 4022	Revoked by EO 5189
4109	Amended by EOs 4372, 4485, 7993, 8508	Revoked by EO 8861
4124		Revoked by EO 10869
4125		Superseded by EO 4476
4143		Nullified by EO 10080
4182		Revoked by EO 9804
4185		Revoked by EO 4476
4203	Amended by Procs. 1777, 1852, 2459, 2635, 2636; EO 8521	Public lands
4220	Amended by Procs. 1808, 2332; EOs 4409, 4524	Public lands
4225	Amended by EO 6444	Public lands
4250	Amended EO 9	Revoked by EO 11408
4255		Revoked by EO 9521
4262	Amended by EOs 4321, 4489, 4574, 5011B, 5191	Revoked by EO 8861

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Number or Date	Amendments	Disposition
4274	Amended by EO 4351	Public lands
4314	Amended by EOs 5065, 6128, 7813, 8068, 8417, 8715, 9227, 9228, 9515, 9563	Nullified by 35 CFR 57.1 et seq., 59.1 et seq., 61.121 et seq., and Part 101 et seq.
4371	Amended EO 4262	Revoked by EO 8861
4381		Amends EO 4274
4395A	Amended by EO 4488	Revoked by EO 8820
4372		Public lands
4407	Amended by EO 4681	Superseded by EO 7968
4409		Public lands
4430	Amended by Procs. 2313, 2318; EOs 4446, 5366, 5386, 7795, 7814	Revoked by EO 8861
4439		Amends Proc. 786
4479	Amended EO 9	Revoked by EO 11408
4440	Amended EO 4430	Revoked by EO 8861
4461		Revoked by EO 8379
4465		Superseded by EO 7968
4497	Amended by EO 6935	Public lands
4476		Superseded by EO 4813
4483	Amended EO 4109	Revoked by EO 8861
4497		Superseded by EO 7968
4499	Amended EO 4359A	Revoked by EO 8820
4500	Amended EO 4262	Revoked by EO 8861
4523	Amended EO 4030	Revoked by EO 9830
4524		Public lands
4527	Amended EO 9	Revoked by EO 11408
4530		Revoked by EO 8547
4535		Amends EO 2900
4547	Amended EO 3206. Amended by EO 7262	Revoked by EO 9094
4552		Superseded by EO 7968
4574	Amended EO 4262	Revoked by EO 8861
4577	Amended EOs 3011, 3083. Amended by EO 4589	Revoked by EO 5924
4598	Amended EOs 3011, 3083, 4577	Revoked by EO 5924
4601	Amended by EOs 7786, 7962, 9615, 10189	Codified at Chapter 32, p. 557
465A		Revoked by EOs 8820, 9521
4610	Amended by EOs 4833, 5001	Revoked by EO 5865
4617	Amended EO 9	Revoked by EO 11408
4629		Revoked by EO 8305
4648		Superseded by EO 6722
4681	Amended EO 4401	Revoked by EO 8036
4682		Revoked by EO 8400
4701		Revoked by EO 8036
4705		Revoked by EO 8356
4721	Amended EOs 1888, 3232	Revoked by EO 8986
4728	Amended by EOs 5022, 5288, 6605, 7224	Revoked by EO 7293
4733		Superseded by EO 5426
4735	Amended EO 4022	Revoked by EO 5189
4731	Amended EO 4610	Revoked by EO 5865
4742		Revoked by EO 7425
4749	Amended by EO 7415	Revoked by PLO 4620
4752		Revoked by EO 8396
4753		Revoked by EO 8396
4753		Revoked by EO 8820
4753		Revoked by EO 8818
4753		Revoked by EO 9521
4753		Revoked by EO 5865
4753	Amended EO 4610	Amends EO 4262
4753	Amended EO 4728. Amended by EO 5288	Revoked by EO 7293
4753		Revoked by EO 8820
4753	Amended by Proc. 2528	Revoked by PLO 1397
4753	Amended EO 4314	Nullified by 2 Canal Zone Code, ch. 59, 35 CFR Part 59
4753	Amended by EO 5526	Superseded by EO 7968
4753	Amended EO 9	Revoked by EO 11408
4753	Amended EO 9	Revoked by EO 11408
4753	Modified EOs 9, 9-1	Superseded by EO 7369. Revoked by EO 11408
4753	Amended by EO 3565	Revoked by EO 5642
4753		Amends EO 4262
4753		Superseded by EO 7985
4753		Revoked by EO 5658
4753		Revoked by EO 11681
4753		Revoked by EO 8400

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Number or Date	Amendments	Disposition
5256		Revoked by EOs 7288, 7291
5268	Amended EO 3206. Amended by EO 7262	Revoked by EO 8094
5281	Amended by Proc. 2112, EO 8961	Airspace reservation
5288	Amended EOs 4728, 5022	Revoked by EO 7293
5290		Revoked by EO 8379
5295		Revoked by EO 8036
5345		Revoked by EO 8036
5366		Amends EO 4430
5375	Amended EOs 1032, 1486	Revoked by EO 7417
5386		Amends EO 4430
5398	Amended by EO 9771	Public lands
5414		Amends EO 2900
5417		Revoked by EO 8036
5426		Revoked by EO 5869
5463		Revoked by EO 8346
5468		Revoked by EO 8036
5469		Revoked by EO 8189
5487		Amends EOs 1008, 1175, 1302, 1323, 2464, 2901
5491		Revoked by EO 12551
5526	Amended EO 5110	Revoked by EO 8036
5549		Revoked by EO 8620
5565	Amended EO 5189	Revoked by EO 5642
5602	Amended by EOs 8061, 10079	Public lands
5612		Revoked by EO 7916
5614		Revoked by EO 8512
5621		Revoked by EO 8820
5624	Amended by EO 5707	Revoked by EO 8189
5627	Amended EOs 9, 1472	Revoked by EO 11408
5636		Nullified by EO 10060
5642	Amended by EOs 5661, 8185	Revoked by EO 8396
5648		Superseded by EO 7968
5658		Revoked by EO 6247
5661	Amended EO 5642	Revoked by EO 8210
5666	Amended EO 9	Revoked by EO 11408
5700	Amended EO 9	Revoked by EO 11408
5707	Amended EO 5624	Revoked by EO 8189
5710	Amended by EO 8961	Airspace reservation and DSA
5737		Superseded by EO 7968
5771		Public lands
5773		Revoked by EO 8820
5786		Revoked by EO 11199
5812		Superseded by EO 7968
5814	Modified by EO 10850	Public lands
5818	Amended by EO 7510	Public lands
5825		Revoked by EO 3189
5837		Superseded by EO 7968
5848		Superseded by EO 7968
5857		Revoked by EO 8818
5860	Amended by EO 6650	Superseded by EO 7858
5865	Amended by EO 8706	Superseded by EO 9195
5869	Amended by EOs 6722, 6986, 6987	Authority repealed by act of Jan. 7, 1952 (66 Stat. 163)
5910		Superseded by EO 7968
5918	Amended EO 723	Revoked by EO 12551
5924		Revoked by EO 11408
5952	Amended by EOs 7500, 8333, 10545, 11032	Revoked by EO 11339
5956		Revoked by EO 8181
5973		Revoked by EO 8820
6017		Revoked by EO 8379
6051	Amended EO 9	Revoked by EO 11408
6073	Amended by Procs. 2070, 2725, EOs 6111, 6559, 11825	Eliminated by FR Doc. E-400, Dec. 16, 1982 (47 FR 5670)
6102		Revoked by EO 6280
6108	Amended EO 9	Revoked by EO 11408
6111	Amended EO 6073	Revoked by EO 6280
6128	Amended EO 4314	Nullified by 35 CFR ch. I, subch. I, sec. 1.1
6143	Amended by EOs 6362, 7442	Revoked by PLO 6459
6166	Amended by EOs 6226, 6586, 6623, 6639, 6728, 12608	Codified at Chapter 34, p. 574
6167		Superseded by EO 7968
6226	Amended EO 6166. Amended by EO 6869	Revoked by EO 8512
6247	Amended by EOs 6497, 7081	Superseded by EO 7298

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Number or Date	Amendments	Disposition
6259	Amended EO 9-2	Revoked by EO 11408
6260	Amended by EOs 6359, 6556, 6560, 10896, 10905, 11037	Revoked by EO 11825
6261		Revoked by EO 6359
6262		Superseded by EO 7968
6276	Amended by EO 7442	Revoked by PLO 6459
6280	Amended EO 6260. Amended by EOs 6558, 11825	Revoked by EO 12553
6361		Amends EO 6143
6444	Modified by EO 10075	Public lands
6477	Amended EO 6247	Revoked by EO 7081
6518	Amended EO 9	Revoked by EO 11408
6520		Revoked by EO 7540
6556	Amended EO 6260	Revoked by EO 11825
6558	Amended EO 6359	Revoked by EO 12553
6559	Amended Proc. 2072, EO 6073	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
6560	Amended EO 6260. Amended by EOs 8389, 8405	Revoked by EO 11825
6561		Public lands
6562		Public lands
6563		Amends EO 6166
6564		Superseded by EO 8450
Feb. 19, 1934		Revoked by EO 9830
6565		Superseded by EO 7465
6567	Amended EO 4728	Revoked by EO 7293
6568		Revoked by EO 7045
6569		Amends EO 6166
6570		Amends EO 6166
6571	Amended EO 5860	Superseded by EO 7856
6572		Superseded by EO 6657A
6573	Amended by EOs 6780, 6810, 6813, 6880, 6928	Superseded by EO 7968
6574	Amended by EO 9142	Nullified by EO 9095, which reestablished Office
6575		Authority repealed by Pub. L. 97-253 (96 Stat. 1073)
6576	Amended EO 5869	Superseded by EO 7797
6577		Amends EO 6166
6578	Amended by EOs 8190, 9647	Revoked by EO 10004
6579	Amended EO 3513	Revoked by EO 10530
6580	Amended EO 6657A	Superseded by EO 7968
6581	Amended by EOs 7207, 9890, 10589, 11031. Continued by EOs 7921, 9213, 9741, 10134, 10541, 10589, 10767, 11031	Superseded by EO 11342
6582	Amended EO 6657A	Superseded by EO 7968
6583		Superseded by EO 7012
6584	Amended EO 9	Revoked by EO 11408
6585	Amended EO 6657A	Superseded by EO 7968
6586	Amended by EOs 7784A, 8033, 9344, 9916, 10128, 11401, 11571	Nullified by Pub. L. 93-198 (87 Stat. 779, 40 U.S.C. 71a)
6587	Amended EO 6226. Amended by EO 6869	Revoked by EO 8512
6588	Amended EO 6657A	Superseded by EO 7968
6589		Amends Procs. 2060, 2061
6590	Amended by Proc. 2244	Public lands
6591	Amended by Procs. 2244, 2320, EO 8361	Public lands
6592	Amended by Procs. 2332, 2459, 2528, 2635, 2636, EOs 6938, 6958, 7023, 7026, 7035, 7045, 7048, 7098, 7108, 7114, 7146, 7178, 7182, 7211, 7220, 7235, 7245, 7256, 7266, 7267, 7270, 7274, 7289, 7303, 7310, 7337, 7364, 7373, 7388, 7402, 7425, 7430, 7443, 7444, 7442, 7491, 7502, 7504, 7505, 7506, 7515, 7520, 7544, 7555, 7558, 7599, 7616, 7647, 7669, 7671, 7672, 7673, 7674, 7675, 7677, 7707, 7713, 7734, 7740, 7883, 7960, 8010, 8021, 8101, 8153, 8158, 8380, 8397, 8459, 8492, 8507, 8578, 8579, 8598, 8649, 8691, 8776, 8780, 8790, 8791, 8874, 8884, 9101, 9143	Public lands
6593	Amended EO 3206. Amended by EO 7262	Revoked by EO 9094
6594	Amended EO 6657A. Amended by EOs 7312, 7403, 7547, 7766, 7785, 7955	Superseded by EO 7972
6595	Amended by EO 11048	Public lands
6596		Amends EO 6910
6597		Revoked by EO 9521
6598		Temporary
6599		Public lands

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Number or Date	Amendments	Disposition
6964	Amended by Procs. 2174, 2318, 2415. EOs 7246, 7311, 7559, 7363, 7510, 7599, 7628, 7662, 7664, 7670, 7693, 7695, 7722, 7760, 7803, 7866, 7867, 7925, 7951, 7993, 8059, 8065, 8072, 8089, 8100, 8104, 8332, 8342, 8347, 8407, 8444, 8508, 8591, 8622, 8708, 8732, 8763, 8792, 8793, 8841, 9137.	Public lands
6979		Superseded by EO 10752
6981	Amended by EO 8136.	Authority expired pursuant to act May 23, 1938 (52 Stat. 417)
6986	Amended EO 5869	Superseded by EO 7865
6987	Amended EO 5869	Superseded by EO 7224A
7010	Amended by EO 8109	Public lands
7012		Superseded by EO 7968
7013		Revoked by EO 8189
7021	Amended by EO 9479	Revoked by EO 10102
7023	Amended by EO 7172	Public lands
7026		Amends EO 6910
7034		Executed and obsolete
7035		Public lands
7045		Amends EO 6910. Revokes EO 6910
7048	Amended by EOs 7108, 7114, 7146, 7178, 7211, 7220, 7245, 7256, 7270, 7289	
7057	Amended by EOs 7493, 7689, 8294, 8888, 9278, 9618, 9901, 10468	Administration terminated by act Aug. 15, 1953 (67 Stat. 584)
7081		Revokes EO 6497
7098	Amended by EO 7182	Amends EO 6910
7108		Amends EOs 6910, 7048
7114		Amends EOs 6910, 7048
7126	Amended by EOs 7150, 7174	Revoked by EO 8512
7138	Amended by EO 8961	Revoked by EO 10768
7146		Amends EO 6910
7150	Amended EO 7126	Revoked by EO 8512
7165		Revoked by EO 9906
7172		Public lands
7174	Amended EO 7126	Revoked by EO 8512
7178	Amended by EOs 7522, 7523	Public lands
7180	Amended by EOs 7493, 7554, 7689, 8294, 8888, 9278, 9618, 9901, 10468	Administration terminated by act Aug. 15, 1953 (67 Stat. 584)
7182		Amends EOs 6910, 7098
7198		Superseded by EO 7277
7207	Amended EO 6783	Superseded by EO 11342
7211		Amends EOs 6910, 7048
7220		Public lands
7224	Amended EO 4728	Revoked by EO 7293
7224A		Revoked by EO 8566
7235	Amended by EO 7270	Amends EO 6910
7245	Amended by EO 8013	Public lands
7246	Amended by EO 7664	Amends EOs 6910, 7048
7256		Revoked by EO 8094
7262	Amended EO 3206	Amends EOs 6910, 7048
7267		Amends EOs 6910, 7048
7270	Amended by EO 7441	Amends EOs 6910, 7048, 7211
7274		Amends EO 6910
7277		Superseded by EO 9432
7289		Amends EOs 6910, 7048
7293	Amended by EOs 7831, 8107, 8440, 8674	Superseded by EO 8764
7298		Superseded by EO 10008
7303	Amended by EO 7441	Amends EO 6910
7311		Amends EO 6964
7312	Amended EO 6928	Superseded by EO 7972
7330		Modifies EO 6910
7332	Amended EO 9	Revoked by EO 11408
7337		Modifies EO 6910
7359	Modified by EO 10932	Public lands
7363		Amends EO 6964
7364		Public lands
7369	Amended EO 9	Revoked by EO 11408
7373	Amended EO 6910	Revoked by PLO 4079
7379		Superseded by EO 7968
7388		Modifies EO 6910
7397	Amended by EOs 8194, 9594, 10257	Superseded by EO 11659
7402		Modifies EO 6910

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<i>Number or Date</i>	<i>Amendments</i>	<i>Disposition</i>
7403	Amended EO 6928	Superseded by EO 7972
7407	Amended by EO 8600	Public lands
7425	Amended by EO 8296	Public lands
7430		Public lands
7435		Revoked by PLO 2690
7439		Revoked by EO 8346
7441		Public lands
7442		Public lands
7445	Modified by EO 10850	Modifies Proc. 2190
7449		Revoked by EO 8400
7465		Superseded by EO 9967
7470		Revoked by EO 8292
7491		Public lands
7493	Amended EOs 7057, 7180 Amended by EO 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
7497		Revoked by EO 8396
7500	Amended EO 5952	Revoked by EO 11339
7502		Public lands
7503		Amends EOs 2900, 4535
7504	Amended EO 6910	Revoked by PLO 1149
7505		Public lands
7508	Amended EO 6910	Revoked by PLO 4588
7510		Revoked by PLO 1249
7515	Amended by EO 8486	Public lands
7520		Public lands
7522		Public lands
7523	Amended by EO 7895	Public lands
7542		Revoked by EO 9521
7544		Public lands
7547	Amended EO 6928	Superseded by EO 7972
7548	Amended by EO 10402	Revoked by EO 11239
7554	Amended EO 7180, Amended by EOs 9278, 9618	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
7555	Amended EO 6910	Revoked by PLO 6144
7559		Public lands
7577		Revoked by EO 8396
7589		Amends EOs 6910, 6964
7600		Superseded by EO 7968
7616		Public lands
7628		Public lands
7636	Amended EO 9	Revoked by EO 11408
7647		Public lands
7649	Amended EO 9	Revoked by EO 11408
7655		Public lands
7658	Amended by EO 9872	Public lands
7662	Amended EO 6964	Revoked by Proc. 2296
7664		Public lands
7669		Public lands
7670	Amended EO 6964	Revoked by Proc. 2422
7671		Public lands
7672		Public lands
7673		Public lands
7674		Public lands
7675		Public lands
7677		Public lands
7689	Amended EOs 7057, 7180, 7493, Amended by EOs 8294, 8888, 9278, 9618, 9901, 10468	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
7691	Amended by EO 8104	Public lands
7707	Amended EO 6964	Revoked by PLO 430
7711	Amended EO 6910	Revoked by EO 8450
7722		Public lands
7729		Public lands
7734	Amended by EO 7826	Revoked by EO 9521
7736		Public lands
7740	Amended EO 9	Revoked by EO 11408
7744	Amended EO 6910	Revoked by EO 8450
7747		Revoked by EO 9783
7756	Amended by EOs 8536, 9787	Action discontinued by EO 9894
7760	Amended by EO 9732	Superseded by EO 10752
7766	Amended by EO 8841	Public lands
7768	Amended EO 6928	Superseded by EO 7972
7784A	Amended EO 6968 Amended by EO 9344	Nullified by Pub. L. 93-198 (87 Stat. 779, 40 U.S.C. 71a)

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Number or Date	Amendments	Disposition
7785	Amended EO 6928	Superseded by EO 7972
7786		Amends EO 4601
7795		Public lands
7796	Amended EO 9	Revoked by EO 11408
7797		Revoked by EO 8429
7803		Public lands
7813	Amended EO 4314	Nullified by 35 CFR 133.34
7814	Amended EO 4480	Revoked by EO 8861
7823	Amended EO 9	Revoked by EO 11408
7826	Amended EO 7729	Revoked by EO 9521
7831	Amended EO 7293	Superseded by EO 8704
7856		Superseded by EO 11295
7865		Superseded by EO 8029
7866		Public lands
7867		Public lands
7883		Public lands
7895		Public lands
7896	Amended EO 9	Revoked by EO 11408
7900		Superseded by EO 8541
7908	Amended by EOs 8531, 10175	Public lands
7910		Superseded by EO 8378
7915		Revoked by EO 9830
7916	Amended by EOs 8044, 8283, 8467	Revoked by EO 9830
7921	Continued EO 6783	Superseded by EO 11342
7925		Public lands
7926	Amended by EO 9790	Public lands
7944	Amended EO 9	Revoked by EO 11408
7951	Amended EO 6964	Revoked by PLO 3277
7955	Amended EO 6928	Superseded by EO 7972
7960		Public lands
7962		Amends EO 4601
7968	Amended by EO 10639	Revoked by EOs 9521, 10897
7972	Amended by EOs 8018, 8261, 8269, 8800, 9057, 9261, 9449	Revoked by EO 9687
7975A		Revoked by EO 9830
7985		Revoked by EO 8961
7993		Public lands
8010		Public lands
8013		Public lands
8016		Revoked by EO 9521
8018	Amended EO 7972	Revoked by EO 9687
8021		Public lands
8029		Revoked by EOs 8480, 8796
8033	Amended EO 6868; Modified by EO 9344	Nullified by Pub. L. 93-18 § 5b 779, 40 U.S.C. 71a
8034		Revoked by EO 10287
8036		Revokes EOs 194, 495, 640, 703, 3157, 4681, 4701, 5295, 5463, 5468, 5526
8040		Superseded by EO 9210
8044	Amended EO 7916; Amended by EOs 8371, 8743	Temporary
8059		Public lands
8061		Public lands
8065	Amended by EOs 8319, 8479	Public lands
8068	Amended EO 4314	Nullified by 35 CFR 133
8071		Revoked by EO 10194
8072	Amended EO 6964	Revoked by PLO 1088
8076		Revoked by EO 9521
8077		Revoked by EO 9521
8078		Revoked by EO 8396
8083		Revoked by EO 9830
8084		Revoked by EO 9521
8089		Public lands
8099	Amended by EOs 8461, 9051, 10122	Codified at Chapter 38, p. 70
8100		Public lands
8101	Amended by EO 9526	Public lands
8102	Amended by EO 9526	Public lands
8104		Public lands
8107	Amended EO 7293	Superseded by EO 8704
8109	Amended by EO 10864	Public lands
8136		Superseded by EO 9145
8153		Public lands
8158		Public lands

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Number or Date	Amendments	Disposition
8168		Revoked by EO 8854
8177		Revoked by EO 8396
8179		Revoked by EO 9830
8181		Revoked by EO 9521
8185	Amended by EO 8396	Authority repealed by act of Aug. 15, 1946 (60 Stat. 1038)
8189		Revoked by EO 9521
8190	Amended EO 6750	Revoked by EO 9647
8194	Amended EO 7197	Revoked by EO 10257
8196		Revoked by EO 9521
8202		Revoked by EO 10485
8210		Revoked by EO 9521
8214		Revoked by EO 9830
8215		Amended EO 1888
8217		Revoked by EO 10107
8248	Amended by EO 10452, 12608	Codified at Chapter 3, p. 7
8257	Amended by EO 8564	Revoked by EO 9830
8261	Amended EO 7972	Revoked by EO 9687
8269	Amended EO 7972	Revoked by EO 9687
8283	Amended EO 7916, Amended by EO 8363	Revoked by EO 9830
8292		Revoked by EO 9521
8294	Amended EOs 7057, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
8298		Public lands
8297		Revoked by EOs 9521, 10697
8298		Revoked by EO 10307
8300		Revoked by EO 9830
8309	Amended by EO 9526	Public lands
8307		Revoked by EO 9521
8319	Amended by EO 8479	Public lands
8325	Amended by EO 9526	Revoked by PLG 690
8332		Public lands
8333	Amended EO 3952	Revoked by EO 11339
8342		Public lands
8343		Public lands
8344	Amended by EOs 8540, 8655, 8789, 8857, 8877	Revoked by PLG 2417
8346		Revoked by EO 9521
8347		Public lands
8351		Revoked by EO 9521
8359	Amended by EO 8377	Superseded by EO 9998
8361		Amended EO 6909
8363	Amended EO 8283	Revoked by EO 9830
8371	Amended EO 8044	Revoked by EO 9830
8375	Amended EO 8156	Superseded by EO 9998
8376		Superseded by EO 9950
8380		Revoked by EO 9521
8382		Public lands
8383		Superseded by EO 10104
8389	Amended EO 6560, Amended by EOs 8405, 8446, 8484, 8493, 8565, 8701, 8711, 8721, 8746, 8785, 8832, 8963, 8998, 9760, 11281, Continued by EO 10348	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
8390	Amended EO 9	Revoked by EO 11408
8396	Amended EO 8183, Amended by EO 9537	Revoked by EO 9521
8397		Public lands
8399	Amended EO 9	Revoked by EO 11408
8400		Revoked by EO 9521
8403		Superseded by EO 8953
8405	Amended EOs 6560, 8389	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
8407		Public lands
8417	Amended EO 4314	Nullified by 35 CFR 59.1
8421		Revoked by EO 9830
8425		Revoked by EO 9830
8427		Revoked by EO 12551
8429		Superseded by EO 9352
8430		Revoked by EO 8766
8439		Revoked by EO 9521
8440	Amended EO 7293	Superseded by EO 8704
8444		Public lands
8446	Amended EO 8389	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
8450	Amended by EO 9526	Public lands

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8454		Superseded by EO 9446
8455		Revoked by EO 9384
8459	Amended EO 6910	Revoked by PLO 886
8461		Amends EO 8099
8467	Amended EO 7916	Revoked by EO 9830
8479		Public lands
8484	Amended EO 8389	Eliminated by FR Doc. 82-3081 Dec. 16, 1982 (47 FR 56351)
8486		Public lands
8492	Amended EO 6910	Revoked by PLO 432
8493	Amended EO 8389	Eliminated by FR Doc. 82-3081 Dec. 16, 1982 (47 FR 56351)
8507	Amended by EO 9526	Public lands
8508	Amended EOs 4109, 6910, 6994 Amended by EO 9526	Revoked by PLO 1603
8512	Amended by EOs 9084, 12608	Codified at Chapter 34, p. 682
8514		Revoked by EO 9691
8516	Amended EO 9	Revoked by EO 11462
8521		Amends EO 4203
8526	Amended by EO 12038	Codified at Chapter 18, p. 322
8527		Public lands
8531	Amended by EO 10175	Amends EO 7908
8533	Amended by EOs 9543, 9774	Codified at Chapter 31, p. 503
8536	Amended EO 7747	Revoked by EO 9521
8541		Action discontinued by EO 989
8546	Amended by EOs 8960, 9183	Superseded by EO 9885
8547		Revoked by EO 9831
8557	Amended by EO 10209	Revoked by EO 9521
8564	Amended EO 8257	Authority repealed by Pub. L. 98-24 (80 Stat. 650)
8565	Amended EO 8389	Revoked by EO 9830
8566		Eliminated by FR Doc. 82-3081 Dec. 16, 1982 (47 FR 56351)
8572	Amended by EO 8612	Revoked by EO 9507
8577	Amended by EO 9526	Revoked by EO 8629
8578	Amended by EOs 9526, 9015	Revoked by PLO 546
8579		Public lands
8587		Public lands
8588	Amended by EOs 9122, 9348, 9587	Revoked by EO 9830
8591		Revoked by EO 9805
8597		Public lands
8598		Action discontinued by EO 970
8600		Public lands
8602		Public lands
8612	Amended EO 8572	Superseded by EO 8917
8616		Revoked by EO 8629
8622	Amended EO 6964	Revoked by EO 10388
8629	Amended by EOs 8875, 8942, 9024	Revoked by PLO 449
8636	Amended by EO 9526	Revoked by EO 9646
8640		Revoked by PLO 1308
8651	Amended by EO 9526	Public lands
8652	Amended by EO 9526	Public lands
8655	Amended EO 8344	Superseded by PLO 17
8672		Revoked by EO 9521
8673	Amended by Proc. 3294	Public lands
8674	Amended EO 7293	Superseded by EO 8704
8680	Amended by EO 8729	Codified at Chapter 32, p. 528
8682	Amended by EOs 8729, 9881	Codified at Chapter 32, p. 527
8683	Amended by EOs 8729, 10341	Revoked by EO 11045
8684	Amended by EO 11673	Revoked by EO 11886
8688		Superseded by EO 9206
8689		Revoked by EO 9521
8691	Amended EO 6910	Revoked by PLO 2611
8701	Amended EO 8389	Eliminated by FR Doc. 82-3081 Dec. 16, 1982 (47 FR 56351)
8704	Amended by EOs 8759, 9105	Superseded by EO 9206
8705		Revoked by EO 9830
8706	Amended EO 5863	Superseded by EO 9195
8707		Revoked by EO 9830
8708	Amended EO 6964	Revoked by PLO 1517
8711	Amended EO 8389	Eliminated by FR Doc. 82-3081 Dec. 16, 1982 (47 FR 56351)

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Number or Date	Amendments	Disposition
(14)	Amended EO 4314	Revoked by EO 10586
(15)	Amended by EO 8731	Nullified by 35 CFR 123
(16)		Board terminated by EO 9017
(17)	Amended EO 8389	Action discontinued by EO 9720
(18)		Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
(19)	Amended by EO 9526	Public lands
(20)	Amended EOs 8680, 8682, 8683	Revoked by EO 11045
(21)	Amended EO 8716	Board terminated by EO 9017
(22)		Public lands
(23)	Amended by EOs 8875, 9280, 9809	Nullified by act of Jan. 30, 1942 (56 Stat. 23, 50 U.S.C. App. 902)
(24)	Modified by EO 8744. Amended by EOs 9230, 9358, 9678, 9712, 12107	Codified at Chapter 5, p. 33
(25)	Amended by EO 12107	Revoked by EO 12608
(26)	Amended EO 8389	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
(27)	Amended by EO 9526	Revoked by EO 8926
(28)	Amended by EOs 8'99, 8822, 9134, 9165	Public lands
(29)	Amended EO 8704	Office terminated by EO 9562
(30)		Superseded by EO 9206
(31)		Revoked by EO 9830
(32)		Public lands
(33)	Amended by Proc. 2523	Authority repealed by act of June 27, 1952 (66 Stat. 280, 8 U.S.C. 1101)
(34)	Amended EO 6910	Revoked by PLO 6072
(35)		Public lands
(36)	Amended EO 8389	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
(37)	Amended by EO 9526	Revoked by PLO 1102
(38)	Amended EO 8144. Amended by EOs 9153A, 9526	Revoked by PLO 1297
(39)		Public lands
(40)		Public lands
(41)	Amended by EO 9526	Public lands
(42)	Amended by EO 9526	Public lands
(43)	Amended by EO 9526	Public lands
(44)	Amended EO 8757	Office terminated by EO 9562
(45)	Amended EO 7972	Superseded by EO 9057. Revoked by EO 9687
(46)	Amended by EOs 8823, 9111, 9346, 9664	Committee terminated by act of July 17, 1945 (59 Stat. 473)
(47)	Amended by EO 9389	Superseded by EO 9913
(48)	Amended by EOs 9323, 10444	Codified at Chapter 32, p. 559
(49)		Revoked by EO 9521
(50)		Revoked by EO 9521. Superseded by EO 11295
(51)	Amended EO 8757	Office terminated by EO 9562
(52)	Amended EO 8802	Committee terminated by act of July 17, 1945 (59 Stat. 473)
(53)	Amended by EO 9526	Public lands
(54)	Amended by EO 9526	Public lands
(55)	Amended EO 8389	Eliminated by FR Doc. 82-34163, Dec. 16, 1982 (47 FR 56351)
(56)	Amended by EOs 8900, 8982, 9128, 9183	Board terminated by EO 9361
(57)	Amended by EOs 9389, 9532, 9608	Office terminated by EO 9710
(58)		Public lands
(59)	Amended by EO 9526	Public lands
(60)		Action discontinued by EO 9720
(61)	Amended by Proc. 2965	Public lands
(62)	Amended EO 8344	Revoked by PLO 1634
(63)		Revokes EOs 4109, 4262, 4430
(64)	Amended by EO 9526	Revoked by PLO 188
(65)	Amended by EO 9526	Public lands
(66)	Amended by EO 9526	Revoked by PLO 2807
(67)	Amended EOs 8629, 8716. Amended by EO 8942	Offices abolished by EOs 9024, 9040
(68)	Amended by EO 9526	Public lands
(69)	Amended EO 9	Revoked by EO 11408
(70)	Amended by EO 9526	Public lands
(71)	Amended EOs 7037, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
(72)	Amended by EO 9024	Rescinded by EO 9040
(73)	Amended by EO 9526	Public lands

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8894		Revoked by EO 9030
8900	Amended EO 8839. Amended by EOs 8982, 9128, 10945	Board terminated by EO 9360
8902	Amended by EO 9617	Authority repealed by Pub. L. 101-79 Stat. 1131
8915	Amended by EO 9526	Revoked by PLO 1070
8923	Amended by EO 9526	Revoked by PLO 2113
8926	Amended by EOs 8982, 9128, 9380	Administration terminated by EO 9030
8927	Amended by EO 9526	Public lands
8929		Revoked by EO 9666
8931	Amended by EO 9467	Amends EOs 1888, 2514
8932	Amended by EO 9526	Revoked by PLO 475
8937	Amended by EO 9579	Revoked by EO 9030
8942	Amended EOs 8629, 8875. Amended by EOs 8982, 9138, 9280, 9116	Offices abolished by EOs 9024, 9025
8950	Amended by EO 9153	Superseded by EO 10126
8953		Action discontinued by EO 9720
8954	Amended by EO 9526	Public lands
8957	Amended by EO 9526	Public lands
8960	Amended EO 9346. Amended by EO 9183	Revoked by EO 9030
8961		Amends EOs 5281, 1710, 7104. Repeals EO 7907
8963	Amended EO 8389	Eliminated by FR Doc. 6-40, Dec. 16, 1982 (47 FR 5631)
8964	Amended by EO 9183	Revoked by EO 9030
8970	Amended by EO 9342	Action discontinued by EOs 9030, 9120
8972	Amended by EO 9074	Authority repealed by act of Jan. 2, 1945 (62 Stat. 865, 868)
8973	Amended by EO 9067	Revoked by EO 9241
8978		Action discontinued by EO 9030
8980	Amended EO 9	Revoked by EO 11408
8982	Amended EOs 8819, 8900, 8926, 8942. Amended by EOs 9128, 9351, 10945	Board terminated by EO 9360
8984		Revoked by EO 9637
8985		Office terminated by EO 9030
8986	Amended EOs 1888, 3212. Amended by EO 9104	Revoked by EO 9467
8989	Amended by EOs 9156, 9214, 9389, 9919	Office terminated by EO 1000
8992	Amended EO 6964. Amended by EO 9526	Revoked by PLO 1070
8998	Amended EO 8389	Eliminated by FR Doc. 6-40, Dec. 16, 1982 (47 FR 5631)
8999	Amended by EO 9526	Public lands
9000	Amended by EO 9526	Public lands
9001	Amended by EOs 9024, 9296	Authority repealed by Pub. L. 101-580 Stat. 651, 50 USC App. 1, 901
9001A		Revoked by EO 9775
9004		Revoked by EO 9830
9014	Amended EO 6964. Amended by EO 9526	Public lands
9017	Amended EO 8716. Amended by EOs 9038, 9195A, 9535, 9617. Continued by EO 9250	Board terminated by EO 9072
9019	Amended by EO 9526	Public lands
9020	Amended by EO 9526	Revoked by PLO 1208
9023	Amended by EOs 9024, 9269, 9280, 9296	Authority repealed by Pub. L. 101-580 Stat. 651, 50 USC App. 1, 901
9024	Amended EOs 8629, 8875, 8891, 8942, 9001, 9023. Amended by EOs 9040, 9280, 9335	Board terminated by EO 9030
9026	Amended by EO 9526	Revoked by PLO 2528
9027		Revoked by EO 9830
9029	Amended by EO 9526	Revoked by PLO 833
9038	Amended EO 9017	Revoked by EO 9535
9039	Amended by EO 9497	Revoked by EO 9740
9040	Amended EO 9024. Amended by EO 9280	Board terminated by EO 9030
9042	Amended by EO 9526	Revoked by PLO 6465
9047		Revoked by EO 10512
9048		Provisions terminated by EOs 9772, 9772
9050		Superseded by EO 10694
9051		Amends EO 8099
9052		Revoked by EO 9830
9053	Amended by EO 9526	Revoked by PLO 678

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Number or Date	Amendments	Disposition
	Amended by EOs 9244, 9350, 9729	Administration terminated by act of Jul. 8, 1946 (60 Stat. 501, 50 U.S.C. App. 1291 nt.)
95	Amended by EO 9296	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
97	Amended EO 7972	Revoked by EO 9687
98	Amended by EO 9296	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
99	Amended by EO 9378	Revoked by EO 9691
100	Amended EO 8971	Terminated by Proc. 2714. Termination confirmed by Proc. 4417
101	Amended by EO 9823	Revoked by EO 9243
102	Amended by EO 9823	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
103	Amended EO 8972	Revoked by EO 9667
104	Amended by EOs 10692, 12377	Superseded by EO 9396
105	Amended EO 8910. Amended by EO 9526	Codified at Chapter 32, p. 528
106	Amended by EO 9722	Revoked by PLO 517
107		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601 nt.)
108	Amended by EO 9526	Amends EO 8512
109	Amended by EO 9183	Public lands
110		Revoked by EO 9831
111	Amended by EO 12608	Revoked by EO 9566
112	Amended by EOs 9193, 9567, 9760, 9788	Codified at Chapter 34, p. 684
113	Amended by EO 9528	Revoked by EO 12553
114	Amended EO 8910	Revoked by EO 9635
115	Amended by EO 9423	Revoked by PLO 9101
116		Office terminated by EO 9742
117	Amended by EO 9526	Revoked by EO 9622
118	Amended EO 8794	Public lands
119	Amended by EO 9526	Superseded by EO 9206
120	Amended by EO 9420	Public lands
121	Amended by EO 9526	Provisions terminated by EO 9903
122	Amended EO 8802	Public lands
123	Amended by EO 9526	Committee terminated by act of July 17, 1945 (59 Stat. 473)
124	Amended by EO 9296	Public lands
125		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
126	Amended EO 8588. Amended by EO 9223	Revoked by EO 9805
127	Amended by EO 9280	Board terminated by EO 9638
128	Amended EOs 8839, 8900, 8926, 8982. Amended by EO 9280	Board terminated by EO 9361
129	Amended EOs 8717, 8799, 8822. Amended by EO 9389	Office terminated by EO 9562
130		Superseded by EO 9853
131	Amended EO 8947	Public lands
132	Amended by EOs 9184, 9279, 9409	Office abolished by EO 9640
133	Amended EOs 8694, 8136. Amended by EOs 9769, 9818	Commission terminated by EO 9617
134		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601 nt.)
135	Amended by EO 9326	Revoked by PLO 1064
136	Amended EO 8950	Superseded by EO 9337
137		Superseded by EO 10126
138	Amended by EOs 9824, 9945, 12107, 12292	Revoked by PLO 2437
139	Amended EO 8989. Amended by EO 9919	Codified at Chapter 5, p. 36
140	Amended EO 8986	Office terminated by EO 10065
141	Amended by EO 9276	Revoked by EO 9467
142		Revoked by EO 9437
143		Action discontinued by EO 9649
144		Revoked by EO 9883
145	Amended by EOs 9495, 9768, 9829, 9903	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601 nt.)
146	Amended by EO 9809	Office abolished by EO 9905
147	Amended EOs 8546, 8819, 8960, 8964, 9089	Revoked by EO 9831

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9184	Amended EO 9139	Commission terminated by EO 907
9191		Revoked by EO 9521
9193	Amended EO 9095	Revoked by EO 12553
9195	Amended by EOs 9458, 9524, 9846, 10059	Authority repealed by act of Aug. 10, 1956 (70A Stat. 666)
9196		Revoked by EO 9859
9200		Revoked by EO 9830
9204		Office terminated by EO 9846
9205		Revoked by EO 9723
9206	Amended by EO 9295	Superseded by EO 9386
9210	Amended by EO 9557	Authority repealed by act of Dec. 12, 1948 (61 Stat. 839)
9213	Continued EO 5783	Superseded by EO 11342
9214	Amended by EO 9919	Office terminated by EO 10065
9215	Amended by EO 9526	Public lands
9219	Amended by EO 9296	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9221	Amended by EO 9296	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9223	Amended EO 9122	Revoked by EO 9805
9225		Provisions terminated by EO 901
9227	Amended EO 4314	Nullified by 35 CFR 105.61, 107.6, 964
9228	Amended EO 4314	Nullified by 35 CFR 103.24
9230	Amended by EO 12107	Amends EO 8743
9233	Amended by EO 9296	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9239		Revoked by EO 9830
9240	Amended by EOs 9248, 9597, 9600	Revoked by EO 9601
9241	Amended by EO 9296	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9243	Amended by EO 9451	Revoked by EO 9695
9244	Amended EO 9054	Administration terminated by act of July 8, 1946 (60 Stat. 501, 50 USC App. 1291 (nt.))
9245		Repealed by EO 9616
9246	Amended by EO 9276	Board terminated by EO 9038
9248	Amended EO 9240	Revoked by EO 9601
9250	Continued EO 9017. Amended by EOs 9279, 9322, 9328, 9334, 9354, 9381, 9392, 9534, 9620	Terminated by EO 9801
9253	Amended by EO 9246	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9260	Amended by EO 10600	Codified at Chapter 32, p. 581
9261	Amended EO 7972	Revoked by EO 9687
9263		Authority maintained at department level (see EO 10289)
9264	Amended by EO 9296	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9265	Amended by EO 9706	Codified at Chapter 32, p. 581
9266		Action discontinued by EO 983
9267		Provisions terminated by EOs 9697, 9772
9269	Amended EO 9023	Authority repealed by Pub. L. 86-54 (80 Stat. 651, 50 U.S.C. App. 5) (nt.)
9276	Amended EOs 9165, 9246. Amended by EO 9718	Administration terminated by EO 980
9277		Superseded by EO 10409
9278	Amended EOs 7057, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 594)
9279	Amended EOs 9139, 9250. Amended by EOs 9409, 9410, 9605	Repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605) (nt.)
9280	Amended EOs 8734, 8942, 9023, 9024, 9040, 9125, 9138. Amended by EOs 9322, 9334, 9392, 9415	Administrations terminated by EO 9577
9285		Commission abolished by EO 960
9286		Superseded by EO 9331
9290		Superseded by EO 9898
9294		Revoked by EO 9625

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Number or Date	Amendments	Disposition
95	Amended EO 9206	Superseded by EO 9386
96	Amended EO 9001	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
98		Revoked by EO 9830
98	Amended by EO 9581	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. 601-605 nt.)
100		Revoked by EO 9835
101		Revoked by EO 9607
101		Revoked by EOs 9521, 10697
101	Amended EO 8942	Office abolished by EO 9040
101	Amended EO 9276	Administration terminated by EO 9718
101	Amended EO 9138	Provisions terminated by EO 9603
102		Superseded by EO 9334
102		Office terminated by EO 9788
102	Amended EOs 9250, 9737	Terminated by EO 9801
102	Amended by EO 9512	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. 601-605 nt.)
102		Superseded by EO 9637
102		Revoked by EO 9847
102		Revoked by EO 9830
104	Amended EOs 9250, 9280, 9322 Amended by EOs 9385, 9392, 9418, 9915	Administration terminated by EO 9577
105	Amended EO 9024	Board terminated by EO 9638
107		Superseded by EO 10355
107	Amended EO 8970	Action discontinued by EOs 9650, 9720
108	Modified EOs 6868, 77844, 8033	Nullified by Pub. L. 93-198 (87 Stat. 779, 40 U.S.C. 71a)
108	Amended EO 8802	Committee terminated by act of July 17, 1945 (59 Stat. 473)
107	Amended by EOs 9361, 9425, 9427	Office terminated by act of Oct. 3, 1944 (58 Stat. 792, 50 U.S.C. App. 1677)
109	Amended EO 8588	Revoked by EO 9805
110	Amended EO 9034	Administration terminated by act of July 8, 1946 (60 Stat. 501, 50 U.S.C. App. 1291 nt.)
111		Provisions terminated by EO 9603
112		Nullified by FR Doc. 46-16444, Aug. 28, 1946 (11 FR 10108)
114	Amended EO 9250	Terminated by EO 9801
116	Amended by EOs 9447, 9465, 9525, 9583, 9642	Superseded by EO 9744B
116		Amends EO 8743
116	Amended by EO 9368	Superseded by EO 10282
116	Amended EOs 8839, 8992 Amended by EOs 9380, 9385, 10945	Administration terminated by EO 9630
117		Revoked by EO 11408
118	Amended EO 9360	Superseded by EO 10282
118	Amended EO 9063	Revoked by EO 9691
118	Amended EOs 8926, 9361 Amended by EOs 9385, 10945	Administration terminated by EO 9630
119	Amended EO 9250	Terminated by EO 9801
119		Revoked by EO 12113
119	Amended EOs 9334, 9380 Amended by EO 9577	Administration terminated by EO 9630
119	Amended by EOs 9561, 9825	Superseded by EO 9871
119	Amended EOs 8807, 8840, 8757, 8989, 9134	Nullified by EOs 9562, 9710, 9913, 10065
119	Amended by EOs 9532, 9919	
119	Amended EOs 9250, 9280, 9334	Administration terminated by EO 9577
119A		Revoked by EO 9830
119A	Amended EO 9017	Revoked by EO 9535
119A		Superseded by EO 10694
119A	Amended by EO 9592A	Provisions terminated by EO 9603
119A	Amended by EO 9577	Executed and obsolete
119A		Revoked by EO 9830
119A		Revoked by EOs 9521, 10697
119A	Amended EO 9139, 9279	Commission terminated by EO 9617
119A	Amended EO 9279	Repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
119A		Revoked by EO 11116
119A		Board terminated by EO 9614
119A	Amended EO 9534	Administration terminated by EO 9577
119A		Superseded by EO 11046

Codification of Presidential Proclamations and Executive Orders

Number or Date	Amendments	Disposition
9423	Amended EO 9102	Authority terminated by EO 952
9425	Amended EO 9347	Office terminated by act of Oct. 1, 1944 (58 Stat. 785, 50 U.S.C. App. 1651)
9427	Amended EO 9347	Office terminated by act of Oct. 1, 1944 (58 Stat. 785, 50 U.S.C. App. 1651)
9431		Revoked by EO 952
9432		Superseded by EO 9866
9437		Revokes EO 9165
9442	Amended EO 9	Revoked by EO 11508
9446		Superseded by EO 9875
9447	Amended EO 9156	Superseded by EO 9744B
9449	Amended EO 7972	Revoked by EO 9687
9450		Revoked by EO 952
9451	Amended EO 9241	Revoked by EO 960
9452	Amended by EO 9514	Revoked by EO 12292
9453		Administration terminated by EO 90
9458	Amended EO 9195	Authority repealed by act of Aug. 1, 1956 (70A Stat. 666)
9460	Amended by EO 9850	Authority repealed by act of Oct. 1, 1949 (61 Stat. 839)
9462		Provisions terminated by EO 90
9463		Provisions terminated by EO 90
9465	Amended EO 9355	Superseded by EO 9744B
9466		Provisions terminated by EO 90
9467	Corrected by EO 9497	Amends EO 1183. Revokes EO 90, 9164
9472	Amended by EO 9692	Authority repealed by act of July 2, 1947 (61 Stat. 450)
9475A		Provisions terminated by EO 90
9479	Amended EO 7021	Revoked by EO 10102
9484		Provisions terminated by EO 90
9487	Amended by EO 9676	Authority repealed by act of Aug. 1, 1954 (68A Stat. 931)
9488	Amended by EOs 9762, 9791, 9809	Terminates office established by EO 9347
9489		Authority terminated by EO 96
9491	Amended by EO 9802	Authority repealed by act of Aug. 1, 1954 (68A Stat. 931)
9492	Amended by EOs 9629, 9714, 9792, 9840, 9867, 9886	Superseded by FR Doc. 4-18-87, Nov. 18, 1947 (12 FR 784)
9493		Provisions terminated by EO 90
9495	Amended by EO 9803	Authority repealed by Pub. L. 85-9 (80 Stat. 651, 50 U.S.C. App. 601)
9497		Amended EO 9039. Corrected EO 9467
9503		Revoked by EO 9830
9505		Provisions terminated by EO 90
9506		Superseded by EO 9598
9507		Revoked by EOs 9521, 10697
9508		Provisions terminated by EO 90
9512	Amended EO 9330	Revoked by EO 10093
9514	Amended EO 9432	Revoked by EO 12292
9515	Amended EO 4314	Nullified by 35 CFR ch. 1, subch. 1
9516		Provisions terminated by EO 90
9519		Authority repealed by Pub. L. 85-9 (80 Stat. 651, 50 U.S.C. App. 601)
9521		Revokes EO of Dec. 31, 1946 (60 Stat. 2262, 3313, 3751, 4255, 465A, 465B, 465C, 465D, 465E, 465F, 465G, 465H, 465I, 465J, 465K, 465L, 465M, 465N, 465O, 465P, 465Q, 465R, 465S, 465T, 465U, 465V, 465W, 465X, 465Y, 465Z, 466A, 466B, 466C, 466D, 466E, 466F, 466G, 466H, 466I, 466J, 466K, 466L, 466M, 466N, 466O, 466P, 466Q, 466R, 466S, 466T, 466U, 466V, 466W, 466X, 466Y, 466Z, 467A, 467B, 467C, 467D, 467E, 467F, 467G, 467H, 467I, 467J, 467K, 467L, 467M, 467N, 467O, 467P, 467Q, 467R, 467S, 467T, 467U, 467V, 467W, 467X, 467Y, 467Z, 468A, 468B, 468C, 468D, 468E, 468F, 468G, 468H, 468I, 468J, 468K, 468L, 468M, 468N, 468O, 468P, 468Q, 468R, 468S, 468T, 468U, 468V, 468W, 468X, 468Y, 468Z, 469A, 469B, 469C, 469D, 469E, 469F, 469G, 469H, 469I, 469J, 469K, 469L, 469M, 469N, 469O, 469P, 469Q, 469R, 469S, 469T, 469U, 469V, 469W, 469X, 469Y, 469Z, 470A, 470B, 470C, 470D, 470E, 470F, 470G, 470H, 470I, 470J, 470K, 470L, 470M, 470N, 470O, 470P, 470Q, 470R, 470S, 470T, 470U, 470V, 470W, 470X, 470Y, 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Executive Orders

Number or Date	Amendments	Disposition
8		Amends EOs 8101, 8102, 8105, 8325, 8343, 8450, 8507, 8508, 8777, 8578, 8579, 8636, 8651, 8652, 8725, 8755, 8768, 8789, 8792, 8793, 8794, 8830, 8831, 8847, 8865, 8872, 8874, 8877, 8884, 8892, 8915, 8923, 8927, 8932, 8954, 8957, 8992, 8999, 9000, 9014, 9019, 9020, 9026, 9029, 9042, 9053, 9081, 9086, 9104, 9107, 9109, 9114, 9143, 9215
93	Amended EO 9595	Revoked by EO 9596
93	Amended EOs 8840, 9189 Amended by EO 9608	Office terminated by EO 9710
94	Amended EO 9250 Amended by EO 9577	Terminated by EO 9801
95	Amended EO 9717	Board terminated by EO 9672
95		Provisions terminated by EO 9603
97	Amended EO 8396	Revoked by EO 9521
99		Revoked by EO 9830
99		Executed and obsolete
96		Provisions terminated by EO 9603
96		Office terminated by EO 9643
96		Provisions terminated by EO 9603
96	Amended EO 8533	Executed and obsolete
96		Revoked by EO 9938
96		Public lands
96		Executed and obsolete
97	Amended by EO 9679	Temporary
97		Provisions terminated by EO 9603
98		Executed and obsolete
98		Authority repealed by act of Oct. 12, 1949 (61 Stat. 839)
99		Executed and obsolete
99		Provisions terminated by EO 9603
99		Revoked by EO 12553
99		Office terminated by EO 10065
99		Revoked by EO 12553
99		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
99	Amended EO 9210	Authority repealed by act of Oct. 12, 1949 (61 Stat. 839)
99		Executed and obsolete
99		Provisions terminated by EO 9603
99		Provisions terminated by EO 9603
99	Amended EO 9386 Amended by EO 9744C	Superseded by EO 9871
99		Terminates office established by EO 8757
99	Amended EO 4314	Nullified by 35 CFR ch. 1, subch. C
99		Provisions terminated by EO 9603
99		Provisions terminated by EO 9603
99		Revokes EO 9090
99	Amended EO 9095	Revoked by EO 12553
99	Amended by EOs 9604, 9609	Office terminated by EO 9841
99		Executed and obsolete
99		Authority terminated by act of June 29, 1946 (60 Stat. 341, 50 U.S.C. App. 316 nt.)
99		Authority repealed by act of June 4, 1948 (62 Stat. 342, 50 U.S.C. App. 645 nt.)
99		Nullified by FR Doc. 45-16694, Sept. 5, 1945, 10 FR 11529
99		Revoked by EO 12553
99		Provisions terminated by EO 9603
99		Superseded by EO 10749
99		Revoked by EO 12553
99	Amended EOs 9280, 9334, 9385, 9401, 9478, 9534 Modified by EO 9915	Terminates office established by EO 9322
99		Provisions terminated by EO 9603
99		Regulations codified at 5 CFR
99	Amended EO 8937	Revoked by EO 9830
99		Amends EO 1888

Codification of Presidential Proclamations and Executive Orders

Number or Date	Amendments	Disposition
9581	Amended EO 9299	Authority repealed by Pub. L. 85-524 (80 Stat. 651, 50 U.S.C. App. 80, 605 nt.)
9582		Public lands
9583	Amended EO 9356	Superseded by EO 97448
9584		Executed and obsolete
9585		Provisions terminated by EO 9801
9586	Amended by EOs 10336, 11085, 11515	Codified at Chapter 3, p. 11
9587	Amended EO 8588	Revoked by EO 9805
9588		Revoked by EO 12553
9589		Temporary
9589A		Provisions terminated by EO 9801
9590		Codified at Chapter 15, p. 21
9591		Revoked by EO 10697
9592		Authority repealed by Pub. L. 84-424 (80 Stat. 631 (50 U.S.C. App. 61) nt.)
9592A	Amended EO 9400	Provisions terminated by EO 9801
9593		Provisions terminated by EO 9801
9594	Amended EO 7197	Revoked by EO 10257
9595		Provisions terminated by EO 9801
9596		Revokes EO 9528
9597	Amended EO 9240	Revoked by EO 9801
9598		Revoked by EO 9830
9599	Amended by EO 9651	Authority expired pursuant to act of June 25, 1946 (60 Stat. 664, 5 U.S.C. App. 961-971 nt.)
9600	Amended EO 9240	Revoked by EO 9801
9601		Revokes EO 9240
9602		Authority terminated by act of Jan. 29, 1946 (60 Stat. 341, 50 U.S.C. App. 316 nt.)
9603		Terminates provisions of EOs 9311, 9322, 9320, 9351, 9400, 9402, 9406, 9475A, 9484, 9493, 9501, 9516, 9536, 9540, 9542, 9552, 9560, 9564, 9565, 9577A, 9589A, 9592A, 9593, 9595
9604	Amended EO 9568, Amended by EO 9809	Office terminated by EO 9841
9605	Amended EO 9279	Repealed by Pub. L. 89-594 (96 Stat. 651, 50 U.S.C. App. 801-803 nt.)
9606		Executed and obsolete
9607		Revokes EO 9301
9608	Amended EOs 8840, 9182, 9532, Amended by EO 9809	Abolishes office established by EO 9182 and functions set out at EO 8840
9609		Authority repealed by act of Dec. 3, 1945 (59 Stat. 658)
9610		Authority repealed by act of Dec. 3, 1945 (59 Stat. 658)
9611	Amended by EO 9627	Temporary
9612	Amended EO 8902	Authority repealed by Pub. L. 85-524 (79 Stat. 113)
9613		Revoked by EO 9701
9614		Terminates board established by EO 9417
9615	Amended EO 4601	Superseded by EO 10189
9616		Nullified by act of Jan. 17, 1934 (48 Stat. 761) and/or act of Mar. 8, 1934 (48 Stat. 4601)
9616A		Temporary
9617	Amended EO 9017, Amended by EO 9672	Terminates commission established by EO 9139
9618	Amended EOs 7057, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 580)
9619		Revoked by EO 9850
9620	Amended by EO 9649	Terminated by EO 9801
9621		Authority repealed by Pub. L. 85-524 (80 Stat. 651, 50 U.S.C. App. 80, 605 nt.)
9622		Revokes EO 9103
9623		Executed and obsolete
9624		Executed and obsolete
9625		Revokes EO 9294

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Number or Date	Amendments	Disposition
925		Temporary
926	Amended EO 9611	Temporary
927	Amended by EO 12107	Codified at Chapter 5, p. 37
928	Amended EO 9492	Superseded by FR Doc. 47-10437, Nov. 18, 1947 (12 FR 7941)
930	Amended EOs 9380, 9453. Amended by EOs 9730, 9919, 10945	Terminates administration established by EO 9380
931		Terminates office established by EO 8985
932		Public lands
933		Revoked by EO 10426
934		Codified at Chapter 18, p. 324
935	Amended by EO 9604	Revoked by EO 10123
936		Superseded by EO 10358
937	Amended by EO 9857A	Codified at Chapter 32, p. 561
938	Amended EO 9024. Amended by EO 9809	Office terminated by EO 9841
939		Authority terminated pursuant to act of June 25, 1943 (57 Stat. 163, 50 U.S.C. App. 1501-1511 nt.)
940		Revoked by EO 12553
941		Superseded by EO 9986
942	Amended EO 9356	Superseded by EO 9744B
943		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601- 605 nt.)
944		Revoked by EO 9830
945		Terminates authority conferred by EO 9489
946	Amended EO 2390	Superseded by EO 10823
947	Amended EO 6750	Revoked by EO 10004
948		Discontinues action of EO 9168
949		Terminates office established by EO 9234
950		Discontinues actions of EOs 8970, 8978, 9266
951	Amended EO 9599	Authority expired pursuant to act of June 25, 1946 (60 Stat. 664, 50 U.S.C. App. 961-971 nt.)
952		Executed and obsolete
953		Revoked by EO 9830
954		Temporary
955	Amended by EO 9897	Revoked by EO 9993
956		Committee terminated June 30, 1947
957		Executed and obsolete
958		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601- 605 nt.)
959		Authority maintained at departmental level (see EO 10250)
960		Executed and obsolete
961		Authority terminated by act of June 29, 1946 (60 Stat. 341, 50 U.S.C. App. 316 nt.)
962		Superseded by EO 9738
963		Revoked by EO 12553
964	Amended EO 8802	Committee terminated by act of July 17, 1945 (59 Stat. 473)
965		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601- 605 nt.)
966		Nullified by Pub. L. 94-546 (90 Stat. 2519, 14 U.S.C. 1)
967		Revokes EO 9074
968		Revoked by EO 9830
969		Superseded by EO 9709
970		Public lands
971		Public lands
972		Board terminated by EO 9809
973	Amended EO 9517. Amended by EO 9724	Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601- 605 nt.)
974		Office terminated by EO 9744
975		Revoked by EO 12553

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Number or Date	Amendments	Disposition
9676	Amended EO 9487	Authority repealed by act of Aug. 1954 (68A Stat. 913)
9677		Executed and obsolete
9678		Amends EO 8743
9679	Amended EO 9547	Temporary
9680		Abolishes commission established by EO 9285
9681		Executed and obsolete
9682		Executed and obsolete
9683		Nullified by EO 10149
9684		Revoked by EO 12553
9685	Amended by EO 9690	Authority terminated pursuant to act of June 25, 1943 (57 Stat. (6) U.S.C. App. 1501-1511 nt.)
9686		Authority repealed by Pub. L. 80-74 (80 Stat. 651, 50 U.S.C. App. 605 nt.)
9687		Revokes EOs 7972, 8018, 8261, 8800, 9057, 9261, 9449
9688		Revoked by EO 9830
9689	Amended by EO 9707	Authority repealed by Pub. L. 80-74 (80 Stat. 651, 50 U.S.C. App. 605 nt.)
9690	Amended EO 9685	Authority terminated by act of Jan. 29, 1946 (60 Stat. 34), 50 U.S.C. App. 316 nt.)
9691	Amended by EO 9815	Revoked by EO 9830
9692	Amended EO 9477	Authority repealed by act of Feb. 2, 1947 (61 Stat. 450)
9693		Office terminated by EO 1066
9694		Executed and obsolete
9695		Revokes EO 9243
9696		Executed and obsolete
9697	Amended by EO 9699	Terminated by EO 9801
9698	Supplemented by EOs 9751, 9823, 9863, 9887, 9911, 9972, 10025. Amended by EOs 10083, 10533	Codified at Chapter 22, p. 199
9699	Amended by EO 9762	Terminated by EO 9801
9700		Revoked by EO 12553
9701		Revoked by EO 9808
9702		Revoked by EO 12553
9703	Amended by EOs 10122, 10400, 11160	Codified at 42 CFR Part 11
9704		Codified at Chapter 56, p. 79
9705	Amended by EOs 9762, 9809	Revoked by EO 9841
9706		Amends EO 9265
9707	Amended EO 9689	Authority repealed by Pub. L. 80-74 (80 Stat. 651, 50 U.S.C. App. 605 nt.)
9708	Amended by EOs 10532, 11070	Revoked by EO 12452
9709		Revoked by FR Doc. 48-428 (4-15, 1948) (13 FR 6080)
9710	Amended EO 9532	Terminates office established by EO 8840
9711		Nullified by FR Doc. 47-4206 (4-15, 1947) (12 FR 2819)
9712	Amended by EO 12107	Amends EO 8743
9713		Revoked by EO 12553
9714	Amended EO 9492	Superseded by FR Doc. 47-247 (Nov. 18, 1947) (12 FR 7841)
9715		Temporary
9716		Revoked by EO 12553
9717		Revoked by EO 12553
9718		Terminates administration established by EO 9276
9719		Revoked by EO 12553
9720		Discontinues actions of EOs 8718, 8853, 8953, 8970
9721	Modified by EOs 9849, 10054, 10103, 10415, 11138, 11303. Amended by EOs 10804, 12107	Revoked by EO 12553
9722	Amended EO 9082	Authority repealed by Pub. L. 80-74 (80 Stat. 651, 50 U.S.C. App. 605 nt.)
9723		Revokes EO 9205

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Number or Date	Amendments	Disposition
Amended EO 9672		Board terminated by EO 9809 Codified at Chapter 28, p. 460 Terminated pursuant to act of Mar. 11, 1941 (55 Stat. 31, 22 U.S.C. 411 nt.) Authority terminated by act of June 29, 1946 (60 Stat. 341, 50 U.S.C. App. 316 nt.) Authority terminated pursuant to act of June 25, 1943 (57 Stat. 163, 50 U.S.C. App. 1501-1511 nt.)
Amended EO 9654 Amended by EO 9919		Office terminated by EO 10065 Amended EO 9630 Revoked by EO 12553
Amended EO 7756		Superseded by EO 10752 Revoked by EO 9830
Amended by EO 9857B		Temporary Executed and obsolete Authority terminated by act of June 29, 1946 (60 Stat. 341, 50 U.S.C. App. 316 nt.)
Amended EO 9328		Terminated by EO 9801 Codified at Chapter 5, p. 37 Revoked by EO 9834 Amended EO 1888
Continued EO 5781		Superseded by EO 11342 Terminates Authority established by EO 9102 Revoked by EO 9805 Terminates office established by EO 9674 Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
Amended by EOs 9785, 9869		Superseded by EO 9984
Amended EO 9561		Superseded by EO 9871 Office terminated by EO 9009 Superseded by EO 11305
Amended by EOs 10101, 10595		Codified at Chapter 28, p. 461 Revoked by EO 12553 Revoked by EO 12553 Authority repealed by act of Oct. 21, 1949 (61 Stat. 973)
Supplemented by EOs 9823, 9863, 9887, 9911, 9972, 10025 Amended by EOs 10083, 10864		See note at EO 9698, Chapter 22, p. 399 Public lands Executed and obsolete Executed and obsolete Executed and obsolete Executed and obsolete Executed and obsolete Authority terminated pursuant to act of June 25, 1943 (57 Stat. 163, 50 U.S.C. App. 1501-1511 nt.) Executed and obsolete
Amended EOs 8389, 9093 Amended by EO 9788		Nullified by act of Aug. 26, 1954, (68 Stat. 804), act of Aug. 31, 1954, (68 Stat. 1050) Treaty of Sept. 8, 1951, 3 UST 3569, TIAS 2490, 136 UNTS 545
Amended by EO 9796		Codified at Chapter 32, p. 529
Amended EOs 9250, 9696, 9703 Amended by EO 9809		Board terminated by EO 9801 Revoked by EO 12553 Executed and obsolete Temporary Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.) Revoked by EO 10697
Amended by EO 9901		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601 nt.) Superseded by EO 10017

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Number or Date	Amendments	Disposition
9770		Repealed by EO 12551
9771		Public lands
9772		Authority repealed by act of May 1950 (64 Stat. 147)
9773		Repealed by EO 9801A
9774	Amended EO 8533	Executed and obsolete
9775		Repealed by EO 10715
9776		Codified at Chapter 36, p. 55
9777		Temporary
9778	Amended by EO 10177	Repealed by EO 11012
9779		Temporary
9780		Executed and obsolete
9781	Amended by EOs 9990, 10160, 10438	Superseded by EO 10855
9782		Repealed by EO 12551
9783		Repealed by EO 7744
9784		Repealed by EO 10561
9785	Amended EO 9744B	Superseded by EO 9984
9786		Temporary
9787	Amended EO 7747	Action discontinued by EO 884
9788		Codified at Chapter 28, p. 40
9789	Amended EO 9142	Superseded by EO 9814
9790		Amends EO 7926
9791	Amended by EO 9809	Office terminated by EO 984
9792	Amended EO 9492	Superseded by FR Doc. 0-367 Nov. 18, 1947, 12 FR 794
9793		Repealed by EO 12551
9794		Codified at Chapter 45, p. 15
9795		Public lands
9796		Amends EO 9761
9797		Authority repealed by Pub. L. 86-4 (80 Stat. 651, 50 U.S.C. App. 8-605 et seq.)
9798		Repealed by EO 12551
9799		Repealed by EO 12292
9800		Executed and obsolete
9801		Terminated by EOs 9230, 924, 93, 9381, 9534, 9620, 9697, 986, 98
9802	Amended EO 9494	Authority repealed by act of Aug. 15, 1954 (68 Stat. 931)
9803		Repealed by EO 12551
9804		Nullified by Pub. L. 97-46 (86 Stat. 2556, 45 U.S.C. 1201)
9805	Amended by EOs 9813, 9997, 10069, 10196, 10274, 10381, 10507, 10530	Repealed by EO 11012
9806		Temporary
9807		Codified at Chapter 5, p. 38
9808		Executed and obsolete
9809	Amended EOs 9182, 9568, 9604, 9608, 9762, 9791	Office terminated by EO 884
9810		Temporary
9811		Authority maintained at department level (see EO 10280)
9812		Executed and obsolete
9813		Temporary
9814		Temporary
9815	Amended EO 9691	Repealed by EO 9830
9816	Amended by EOs 10657, 11105	Codified at Chapter 10, p. 179
9817		Authority repealed by act of Sep. 1954 (68 Stat. 1134)
9818	Amended EO 9142	Administration terminated by EO 10254
9819		Executed and obsolete
9820		Authority repealed by act of Jan. 8, 1946 (61 Stat. 193, 50 U.S.C. 1821 et seq.)
9821	Amended EO 9070	Authority repealed by Pub. L. 86-4 (80 Stat. 651, 50 U.S.C. App. 8-605 et seq.)
9822		Executed and obsolete
9823	Supplemented by EOs 9863, 9887, 9911, 9972, 10025. Amended by EO 10083.	See note at EO 9808, Chapter 2, p. 399
9824		Amends EO 9134
9825	Amended EO 9386	Superseded by EO 9871
9826		Executed and obsolete

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Number or Date	Amendments	Disposition
907		Temporary
908		Authority repealed by act of June 30, 1946 (61 Stat. 193, 50 U.S.C. App. 1821 nt.)
909		Authority repealed by act of June 30, 1946 (61 Stat. 193, 50 U.S.C. App. 1821 nt.)
910	Amended by EOs 9961, 9973, 10440, 10577, 12107, 12608	Codified at Chapter 5, p. 19
911		Repeals EOs 8546, 8960, 8964, 9089, 9183
912		Revoked by EO 10004
913		Executed and obsolete
914		Executed and obsolete
915	Amended by EO 10241	Revoked by EO 10450
916		Authorities repealed by act of June 30, 1949 (63 Stat. 404), and Pub. L. 89-554 (80 Stat. 651)
917		Revoked by EO 12292
918		Revoked by EO 12553
919		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
920	Amended EO 9492	Superseded by FR Doc. 47-10437, Nov. 18, 1947 (12 FR 7941)
921		Terminates office established by EO 9809
922		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
923		Authority expired pursuant to act of July 16, 1946 (60 Stat. 539, 50 U.S.C. App. 1871, 1872 nt.)
924	Amended EO 9	Superseded by EO 10108
925	Amended EO 9193	Revoked by EO 11408
926		Authority repealed by act of Aug. 10, 1956 (70A Stat. 666)
927		Repeals EO 9332
928		Codified at Chapter 46, p. 93
929	Amended EO 9460	Temporary
930		Authority repealed by act of Oct. 12, 1949 (63 Stat. 839)
931		Public lands
932		Temporary
933		Nullified by Pub. L. 87-649 (76 Stat. 473, 37 U.S.C. 405)
934		Public lands
935		Revoked by EO 12553
936		Executed and obsolete
937		Revoked by EO 10338
937A		Amends EO 9637
937B	Amended EO 9734	Temporary
938		Temporary
939		Repeals EO 9196
940		Modifies EO 1358
941		Modifies EOs 1323, 2333
942		Revoked by EO 10338
943	Supplemented by EOs 9887, 9911, 9972, 10025	See note at EO 9698, Chapter 22, p. 399
944	Amended by EO 9960	Revoked by EO 10338
945	Amended by EO 10096	Codified at Chapter 37, p. 771
946		Superseded by EO 10156
947	Amended EO 9492	Superseded by FR Doc. 47-10437, Nov. 18, 1947 (12 FR 7941)
948		Temporary
949	Amended EO 9744B	Superseded by EO 9984
950	Amended by EO 9982	Revoked by EO 10011
951	Amended by EOs 9976, 10061	Authority repealed by act of Oct. 12, 1949 (63 Stat. 839)
952		Amends EO 7658
953		Codified at Chapter 36, p. 755
954		Revoked by EO 12553
955		Revoked by EO 10265

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Number or Date	Amendments	Disposition
9876		Administration terminated by EO 10254
9877		Revoked by EO 9950
9878		Revoked by EO 12553
9879		Executed and obsolete
9880		Revoked by EO 12553
9881		Amends EO 8682
9882		Temporary
9883		Revokes EO 9172
9884		Public lands
9885		Superseded by EO 10146
9886	Amended EO 9492	Superseded by FR Doc. 47-10471, Nov. 18, 1947 (12 FR 7941)
9887	Supplemented by EOs 9911, 9972, 10025	Revoked by EO 10832
9888		Executed and obsolete
9889		Temporary
9890	Amended EO 6783	Superseded by EO 11342
9891		Revoked by EO 12553
9892		Codified at Chapter 36, p. 755
9893		Temporary
9894		Discontinues action of EO 7747
9895		Executed and obsolete
9896		Temporary
9897	Amended EO 9635	Revoked by EO 9993
9898	Amended by EO 9926. Extended by EOs 9974, 10064, 10135	Superseded by EO 10251
9899		Revoked by EO 12553
9900		Revoked by EO 12553
9901	Amended EOs 7057, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 584)
9902		Codified at Chapter 32, p. 529
9903	Amended EOs 9177, 9768, 9495	Authority repealed by Pub. L. 85-56 (80 Stat. 651, 50 U.S.C. App. 80 nt.)
9904	Amended EO 9635	Revoked by EO 10123
9905	Amended by EO 9931	Board abolished by Reorg. Plan No. 1 of 1953 (18 FR 3375, 3 CFR 1949-1953 Comp., p. 1025)
9906		Revokes EO 7165
9907		Temporary
9908		Revoked by EO 10596
9909		Authority repealed by act of July 1, 1950 (64 Stat. 320, 48 U.S.C. 798 nt.)
9910		Revoked by EO 12553
9911	Supplemented by EOs 9972, 10025	See note at EO 9696, Chapter 22, p. 399
9912		Revoked by EO 10807
9913		Supersedes EO 8807. Amends EO 9396
9914	Amended by EO 9960	Revoked by EO 10336
9915	Modified EOs 9280, 9322, 9334, 9577	Temporary
9916	Amended EO 6868	Nullified by Pub. L. 93-198 (87 Stat. 779, 40 U.S.C. 71a)
9917		Temporary
9918		Revoked by EO 12553
9919	Amended by EO 10945	Codified at Chapter 15, p. 252
9920		Authority maintained at department level (see EO 10250)
9921		Administration terminated by EO 10254
9922		Revoked by EO 12553
9923		Revoked by EO 12553
9924		Executed and obsolete
9925		Superseded by EO 10127
9926	Amended EO 9898	Superseded by EO 10251
9927		Public lands
9928		Temporary
9929		Revoked by EO 12553
9930		Nullified by Pub. L. 90-420 (52 Stat. 1277, 44 U.S.C. 1510)
9931	Amended EO 9905	Board abolished by Reorg. Plan No. 1 of 1953 (18 FR 3375, 3 CFR 1949-1953 Comp., p. 1025)

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Number or Date	Amendments	Disposition
877	Amended by EO 12107	Revoked by EO 12292
878	Amended EO 9805	Revoked by EO 11012
879		Executed and obsolete
880		Executed and obsolete
881		Executed and obsolete
882		Revoked by EO 12553
883		Executed and obsolete
884		Revokes EO 9544
885		Executed and obsolete
886		Revoked by EO 12553
887		Superseded by EO 10897
888	Amended by EO 10539	Revoked by EO 12553
889		Superseded by EO 10387
890		Revoked by EO 10338
891		Amends EO 9154
892		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 601-605 nt.)
893		Revoked by EO 12553
894		Revoked by EO 12553
895	Modified EO 9721. Amended by EO 10415	Revoked by EO 12553
896		Revokes EO 9877
897		Public lands
898	Amended by EO 9994	Temporary
899		Superseded by EO 10626
900		Executed and obsolete
901		Revoked by EO 9993
902		Executed and obsolete
903		Terminated by FR Doc. 48-6339, July 9, 1948 (13 FR 3975)
904		Superseded by EO 9965
905		Executed and obsolete
906	Amended EOs 9864, 9914	Revoked by EO 10338
907	Amended by EO 12107	Amends EO 9830
908		Revoked by EO 10000
909		Executed and obsolete
910		Executed and obsolete
911		Revoked by EO 12553
912		Executed and obsolete
913		Superseded by EO 10481
914		Superseded by EO 10513
915		Temporary
916		Executed and obsolete
917	Supplemented by EO 10025	Revoked by EO 12553
918		See note at EO 9698, Chapter 22, p. 399
919	Amended EO 9830	Revoked by EO 10577
920		Executed and obsolete
921	Extended 9898	Superseded by EO 10251
922	Amended by EO 10070	Revoked by EO 10810
923	Amended EO 9871	Authority repealed by act of Oct. 12, 1949 (63 Stat. 839)
924		Authority maintained at agency level (see EO 10,50)
925		Authority maintained at agency level (see EO 10250)
926	Amended by EOs 9992, 10001, 10008, 10116, 10167, 10202, 10232, 10292, 10363, 10594, 10659, 11360, 11555, 12608	Codified at Chapter 32, p. 530
927		Superseded by EO 10590
928		Revoked by EO 11051
929	Amended EO 9870	Revoked by EO 10011
930		Executed and obsolete
931	Amended by EO 10023	Temporary
932		Executed and obsolete
933		Superseded by EO 10743
934		Executed and obsolete
935	Amended by EOs 9992, 10001, 10008, 10116, 10202, 10230, 10232, 10258, 10292, 10344, 10363, 10366, 10420, 10594, 10659, 10714, 10809, 10984, 11188, 11350, 11360	Revoked by EO 12553
936	Continued by EO 10348	Superseded by EO 11281
937	Amended EO 9781	Superseded by EO 10360

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Number or Date	Amendments	Disposition
9991		Revoked by EO 12553
9992	Amended EOs 9979, 9988. Amended by EOs 10008, 10202, 10232, 10292.	Revoked by EO 12553
9993	Amended by EOs 10031, 10280, 10354, 10497, 10506.	Revoked by EO 11142
9994	Amended EO 9952	Temporary
9995		Public lands
9996		Revoked by EO 12553
9997	Amended EO 9805	Revoked by EO 11012
9998		Authority repealed by Pub. L. 96-40 (94 Stat. 2159)
9999	Amended by EO 10040	Executed and obsolete
10000	Amended by EOs 10261, 10623, 10636, 10903, 11938, 12070, 12107, 12510.	Codified at Chapter 5, p. 43
10001	Amended EOs 9979, 9988. Amended by EOs 10008, 10116, 10202, 10258, 10292, 10363, 10420, 10594, 10659, 10714, 10735, 10809, 10984, 11098, 11350, 11360, 11497, 11527, 11537, 11553, 11563, 11586, 11606.	Revoked by EO 12553
10002		Executed and obsolete
10003		Superseded by EO 10131
10004		Superseded by EO 10002
10005		Committee inactive since March 1991
10006		Superseded by EO 11030
10007		Codified at Chapter 12, p. 531
10008	Amended EOs 9979, 9988, 9992, 10001. Amended by EOs 10116, 10232, 10292, 10363, 10420, 10659, 10984, 11098, 11350, 11360, 11553, 11586.	Revoked by EO 12553
10009	Amended EOs 589, 1712	Authority repealed by act of Jan. 2, 1952 (66 Stat. 279)
10010	Amended by 10015	Revoked by EO 12553
10011	Amended by EOs 10085, 10187, 10313, 10391, 10503, 10623, 10853.	Revoked by EO 10903
10012		Authority repealed by act of Dec. 3, 1949 (63 Stat. 973)
10013	Amended by EO 10043	Committee terminated Feb. 3, 1971
10014		Superseded by EO 11230
10015	Amended EO 10010	Revoked by EO 12553
10016		Revoked by EO 11844
10017		Superseded by EO 10377
10018		Public lands
10019		Temporary
10020		Nullified by EO 10214
10021		Executed and obsolete
10022		Public lands
10023	Amended EO 9984	Temporary
10024		Public lands
10025	Amended by EO 10983	See note at EO 9684, Chapter 2, p. 399
10026		Nullified by EO 10214
10026A		Confidential
10027		Authority maintained at department level (see EO 12050)
10028		Codified at Chapter 32, p. 90
10029		Revoked by EO 12553
10030		Superseded by EO 11485
10031	Amended EO 9993. Amended by EO 10497	Revoked by EO 11140
10032		Revoked by EO 12553
10033	Amended by EOs 11269, 12013, 12319	Codified at Chapter 34, p. 95
10034		Temporary
10035		Public lands
10036		Revoked by EO 12553
10037		Revoked by EO 12553
10038		Executed and obsolete
10039		Executed and obsolete
10040	Amended EO 9999	Public lands
10041		Authority maintained at department level (see EO 10289)
10042		Committee terminated Feb. 3, 1971
10043	Amended EO 10013	Revoked by EO 11408
10044	Amended EO 9	Revoked by EO 12553
10045		Public lands
10046	Amended by EOs 10175, 10322, 10844	

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Number or Date	Amendments	Disposition
1047		Public lands
1048		Revoked by EO 12553
1049		Superseded by EO 10113
1050		Revoked by EO 12553
1051		Revoked by EO 12553
1052		Public lands
1053		Authority repealed by Pub. L. 87-649 (76 Stat. 451, 37 U.S.C. 101)
1054	Modified EO 9721	Revoked by EO 12553
1055	Amended EO 9	Revoked by EO 11408
1056		Revoked by EO 12553
1057	Amended by EO 10087	Codified at Chapter 36, p. 756
1058		Public lands
1059	Amended EO 9195	Authority repealed by act of Oct. 12, 1949 (63 Stat. 839)
1060		Public lands
1061	Amended EO 9871	Authority repealed by act of Oct. 12, 1949 (63 Stat. 839)
1062	Amended by EO 10144	Revoked by EO 10808
1063		Superseded by EO 10380
1064	Extended EO 9898	Superseded by EO 10251
1065		Terminates office established by EO 8989
1066		Public lands
1067		Revoked by EO 12553
1068		Repeals EO 2458
1069	Amended EO 9805	Revoked by EO 11012
1070	Amended EO 9975	Revoked by EO 10810
1071		Revoked by EO 12553
1072	Amended by EO 10917	Revoked by EO 11073
1073		Temporary
1074		Authority maintained at departmental level (see EO 10250)
1075		Public lands
1076		Executed and obsolete
1077	Amended by EO 10137	Codified at Chapter 43, p. 858
1078		Revoked by EO 12553
1079		Nullified by Pub. L. 93-435 (88 Stat. 1210, 48 U.S.C. 1545)
1080		Revoked by EO 12553
1081		Temporary
1082	Amended by EOs 10170, 10741	Revoked by EO 11075
1083		Amends EOs 9698, 9751, 9823
1084	Amended by EOs 10098, 10118, 10136, 10158, 10174	Temporary
1085	Amended EO 10011	Revoked by EO 10903
1086		See note at EO 9698, Chapter 22, p. 399
1087		Amends EO 10057
1088		Authority maintained at departmental level (see EO 10289)
1089		Executed and obsolete
1090		Executed and obsolete
1091		Authority maintained at departmental level (see EO 10250)
1092		Authority maintained at departmental level (see Pub. L. 85-726 (72 Stat. 749, 49 U.S.C. 1348))
1093		Repeals EO 9512
1094		Temporary
1095		Executed and obsolete
1096	Amended by EOs 10695, 10930	Codified at Chapter 37, p. 774
1097		Temporary
1098	Amended EO 10084	Temporary
1099		Revoked by EO 10300
1100		Revoked by EO 10903
1101	Amended EO 9740	Superseded by EO 10595
1102		Authority repealed by Pub. L. 87-845 (76A Stat. 701, 702)
1103	Modified EO 9721. Amended by EOs 10804, 11138, 11303.	Revoked by EO 12553
1104		Codified at Chapter 32, p. 626
1105		Revoked by EO 12553

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Number or Date	Amendments	Disposition
10106		Revoked by EO 12553
10107		Revokes EO 8232
10108		Codified at Chapter 22, p. 348
10109		Revoked by EO 12553
10110		Temporary
10111		Codified at Chapter 32, p. 627
10112		Revoked by EO 12553
10113		Codified at Chapter 32, p. 562
10114		Revoked by EO 12553
10115		Public lands
10116	Amended EOs 9979, 9988, 9992, 10001, 10008, Amended by EOs 10202, 10258, 10292, 10659, 10714, 10984, 11350.	Revoked by EO 12553
10117		Revoked by EO 12553
10118	Amended EO 10084	Temporary
10119	Amended by EO 10605	Revoked by EO 11157
10120		Revoked by EO 12553
10121		Public lands
10122	Amended by EOs 10400, 11733	Codified at Chapter 32, p. 563
10123		Revokes EOs 9635, 9904
10124		Temporary
10125		Revoked by EO 12553
10126		Superseded by 31 FR 13422
10127	Amended by EO 10751. Modified by EO 12038	Revoked by FR Doc. 61-9007, Sep. 15, 1961 (26 FR 8883)
10128	Amended EO 6868	Nullified by Pub. L. 93-108 (37 Stat. 779, 40 U.S.C. 71a)
10129	Amended by EOs 10192, 10236	Temporary
10130		Revoked by EO 12553
10131		Authority repealed by Pub. L. 95-59 (80 Stat. 654, 50 U.S.C. App. 195 nt.)
10132	Amended by EO 10279	Executed and obsolete
10133		See note at EO 9698, Chapter 22, p. 399
10134	Continued EO 6783	Superseded by EO 11342
10135	Extended EO 9898	Superseded by EO 10251
10136	Amended EO 10084	Temporary
10137		Amends EO 10077
10138		Revoked by EO 12553
10139		Revoked by EO 12553
10140		Revoked by EO 12553
10141		Authority repealed by act of Aug. 11, 1956 (70A Stat. 660)
10142		Revoked by EO 12553
10143		Executed and obsolete
10144	Amended EO 10062	Revoked by EO 10808
10145		Temporary
10146		Temporary
10147		Revoked by EO 12553
10148		Superseded by EO 11388
10149		Authority repealed by act of May 1, 1950 (64 Stat. 147)
10150		Revoked by EO 12553
10151		Executed and obsolete
10152	Amended by EOs 10618, 10681, 10739, 10892, 11120.	Revoked by EO 11157
10153	Amended by EO 10649	Codified at Chapter 32, p. 565
10154	Amended by EOs 10558, 10886	Superseded by EO 11313
10155		Authority repealed by act of Aug. 11, 1956 (70A Stat. 660)
10156		Superseded by EO 10753
10157		Revoked by EO 12553
10158	Amended EO 10084	Temporary
10159	Amended by EOs 10300, 10476, 10803	Authority repealed by Pub. L. act of 937 (68 Stat. 832, 22 U.S.C. 1557k nt.)
10160		Revoked by EO 10862
10161	Amended by EOs 10200, 10233, 10281, 10301, 10323, 10324, 10359, 10373, 10377, 10390, 10433.	Revoked by EO 10400
10162		Executed and obsolete
10163	Amended by EO 10439	Codified at Chapter 32, p. 58
10164		Temporary

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Number or Date	Amendments	Disposition
165	Amended by EO 10185	Revoked by EO 12553
166	Amended EO 9979 Amended by EOs 10292,	Revoked by EO 11415
167	10420, 10714, 10735	Revoked by EO 12553
168	Amended by EOs 10821, 10989, 11120	Revoked by EO 11157
169	Amended EO 11082	Revoked by EO 10480
170		Revoked by EO 11075
171		Nullified by treaty on July 27, 1955, TIAS 3298, 6 UST 2369
172		Revoked by EO 10200
173	Amended EO 10084	Codified at 33 CFR Pt. 6
174		Temporary
175		Amends EOs 7908, 8531, 10046
176	Amended EO 9778	Executed and obsolete
177		Revoked by EO 11012
178	Amended by EO 10429	Public lands
179		Codified at Chapter 32, p. 567
180		Revoked by EO 10577
181	Amended by EOs 10205, 10480	Executed and obsolete
182		Revoked by EO 10647
183		Nullified by FR Doc. 52-7057, June 23, 1952 (17 FR 5776)
184	Amended EO 10106	Modifies Proc. 503
185		Revoked by EO 11415
186		Nullified by Reorg. Plan No. 1 of 1958 (23 FR 4991, 3 CFR, 1954-1958 Comp., p. 47)
187	Amended EO 10011	Revoked by EO 10903
188		Temporary
189		Amends EO 4601. Supersedes EO 9615
190		Executed and obsolete
191		Authority maintained at departmental level (see EO 10250)
192	Amended EO 10129	Temporary
193		Revoked by EO 10480
194		Revoked by EO 10990
195		See note at EO 10585, Chapter 26, p. 443
196	Amended EO 9805	Revoked by EO 11012
197		Authority repealed by Pub. L. 85-726 (72 Stat. 806, 49 U.S.C. App. 701 nt.)
198		Temporary
199		Authority repealed by act of Oct. 31, 1951 (65 Stat. 729, 3 U.S.C. note prec. 301)
200	Amended EO 10161 Amended by EOs 10281, 10433	Revoked by EO 10480
201		Nullified by FR Doc. 52-9842, Sept. 4, 1952 (17 FR 8128)
202	Amended EOs 9979, 9988, 9992, 10001, 10116 Amended by EOs 10292, 10363, 10420, 10659, 10809, 10984, 11098, 11350, 11360, 11497, 11527, 11537, 11563, 11586	Revoked by EO 12553
203	Amended by EOs 11120, 11146	Revoked by EO 12553
204	Amended EO 10182 Amended by EO 10480	Revoked by EO 11157
205		Revoked by EO 10647
206		Codified at Chapter 22, p. 349
207		Revoked by EO 10305
208	Amended EO 8557	Revoked by EO 10338
209		Authority repealed by Pub. L. 89-554 (80 Stat. 650, 5 U.S.C. note prec. 101)
210		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
211		Codified at Chapter 43, p. 859
212		Public lands
213	Amended by EOs 10256, 10565, 10652, 11009, 11081	Public lands
214		Nullified by EO 11430
215		Temporary

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Number or Date	Amendments	Disposition
10216		Authority repealed by Pub. L. 96-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
10218		Superseded by EO 10633
10219	Amended by EOs 10480, 10537, 10773	Revoked by EO 11051
10220		Executed and obsolete
10221		Revoked by EO 10427
10222		Codified at Chapter 44, p. 877
10223		Revoked by EOs 10281, 10480
10224	Amended by EO 10480	Revoked by EO 10773
10225		Temporary
10226		Codified at 35 CFR Pt. 19
10227		Authority repealed by Pub. L. 96-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
10228		See note at EO 9698, Chapter 22, p. 399
10229		Temporary
10230	Amended EO 9988 Amended by EO 10292	Revoked by EO 12553
10231		Authority repealed by Pub. L. 96-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
10232	Amended EOs 9979, 9988, 9992, 10008 Amended by EOs 10292, 10837	Revoked by EO 12553
10233	Amended EO 10161	Revoked by EO 10377
10234		Public lands
10235		Agency abolished by EO 10034
10236	Amended EO 10129	Temporary
10237		Codified at Chapter 35, p. 740
10238		Authority maintained at department level (see EO 10289)
10239		Temporary
10240		Authority repealed by Pub. L. 96-511 (94 Stat. 2447, 10 U.S.C. 1810 nt.)
10241	Amended EO 9835	Revoked by EO 10450
10242	Amended by EOs 10773, 11051, 12107	Revoked by EO 12148
10243		Authority repealed by Pub. L. 96-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
10244		Codified at Chapter 22, p. 387
10245		Executed and obsolete
10246		Public lands
10247		Actions terminated by EO 10628
10248		Public lands
10249		Revoked by EO 12292
10250	Amended by EOs 10732, 10752	Codified at Chapter 43, p. 860
10251	Amended by EO 10416	Authority repealed by Pub. L. 97-91 (76 Stat. 360, 41 U.S.C. 51 nt.)
10252		Nullified by FR Doc. 52-11407 (80 Stat. 1952 (17 FR 9591))
10253	Amended by EOs 12013, 12318	Codified at Chapter 34, p. 687
10254		Terminates Administration established by EO 9818
10255		Temporary
10256		Nullified by EO 11430
10257	Amended EO 7397	Superseded by EO 11654
10258	Amended EOs 9988, 10001, 10116 Amended by EOs 10420, 10659	Revoked by EO 12553
10259		Revoked by EO 10338
10260	Amended by EOs 10773, 11051	Nullified by Pub. L. 94-470 (70 Stat. 786, 50 U.S.C. 1213)
10261	Amended EO 10000	Revoked by EO 10903
10262		Terminated by Pub. L. 94-42 (70 Stat. 1255, 50 U.S.C. 1601)
10263		Codified at Chapter 35, p. 741
10264		Codified at Chapter 43, p. 863
10265	Amended by EO 10408	Superseded by EO 11021
10266	Amended by EO 10365	Revoked by EO 10583
10267		Public lands
10268		Public lands
10269		Revoked by EO 11051
10270		Temporary
10271		Codified at Chapter 32, p. 531

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Number or Date	Amendments	Disposition
		Authority repealed by act of Oct. 31, 1951 (65 Stat. 729, 3 U.S.C. note prec. 301)
		Temporary
Amended EO 9805		Revoked by EO 11012
Amended by EOs 10293, 10475		Revoked by EO 10773
		Codified at 33 CFR Pt. 6
		Public lands
Amended EO 10132		Executed and obsolete
Amended EO 9991 Amended by EO 10497		Revoked by EO 11140
Amended EOs 10161, 10200		Revoked by EO 10480
Amended by EO 10416		Authority repealed by Pub. L. 87-581 (76 Stat. 360, 41 U.S.C. 321 nt.)
		Revoked by EO 12553
		Superseded by EO 10339
		Revoked by EO 12553
		Revoked by EO 12553
		Revokes EO 8034
Amended by EOs 10583, 10882, 11110, 11825, 12608		Codified at Chapter 31, p. 504
		Revoked by EO 10501
		Revoked by FR Doc. 63-3702, Apr. 4, 1963 (28 FR 3483)
Amended EOs 9979, 9988, 9992, 10001, 10008, 10116, 10167, 10202, 10230, 10232 Amended by EOs 10344, 10363, 10366, 10420, 10469, 10505, 10562, 10594, 10659, 10714, 10735, 10809, 10837, 10984, 11098, 11188, 11266, 11350, 11360, 11497, 11527, 11553, 11563, 11569, 11586		Revoked by EO 12553
Amended EO 10278		Revoked by EO 10773
		Nullified by Pub. L. 84-870 (70 Stat. 786, 50 U.S.C. 1213)
		Codified at Chapter 32, p. 532
Amended by EOs 10593, 10773, 11051, 12148		Codified at Chapter 24, p. 425
		Revoked by EO 10460
		Authority repealed by Pub. L. 89-554 (80 Stat. 651, 50 U.S.C. App. 611 nt.)
		Nullified by Pub. L. 84-870 (70 Stat. 786, 50 U.S.C. 1213)
Amended by EOs 10368, 10458, 10476		Revoked by EO 12553
Amended EO 10161		Revoked by EO 10377
		Revoked by EO 11529
		Revoked by EO 12553
		Executed and obsolete
		Revokes EO 10207
		Revoked by EO 12553
		Codified at Chapter 22, p. 351
		Revoked by EO 10479
Amended by EO 10803		Public lands
		Temporary
		Executed and obsolete
Amended by EOs 10438, 10773, 11051		Revoked by EO 11490
Amended EO 10011		Revoked by EO 10901
		Revoked by EO 12553
		Temporary
		Executed and obsolete
		Temporary
Amended by EO 10329		Executed and obsolete
		Revoked by EO 12553
		Temporary
Amended by EO 10418		Executed and obsolete
		Amends EO 10046
		Revoked by EO 12553
Amended EO 10161		Revoked by EO 10480
		Codified at Chapter 32, p. 568
		Executed and obsolete
		Temporary
Amended by EOs 10420, 10837, 10984		Revoked by EO 12553
Amended EO 10318		Executed and obsolete
		Executed and obsolete
		Executed and obsolete
		Revoked by EO 10493

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Number or Date	Amendments	Disposition
10333		Temporary
10334	Amended by EO 10569	Temporary
10335		See note at EO 9698, Chapter 22, p. 399
10336	Amended by EO 11085	Amends EO 9586
10337		Revoked by EO 10869
10338		Superseded by EO 10476
10339	Amended by EO 10425	Temporary
10340		Nullified by FR Doc. 52-6448, June 6, 1952 (17 FR 5332)
10341	Amended EO 8683	Revoked by EO 11045
10342		Public lands
10343		Executed and obsolete
10344	Amended EOs 9988, 10292 Amended by EOs 10594, 10659, 10837, 11391	Revoked by EO 12553
10345		Temporary
10346	Amended by EOs 10438, 10773, 11051	Revoked by EO 11490
10347	Amended by EOs 11354, 11517	Codified at Chapter 3, p. 12
10348	Amended EO 8389. Continued EOs 8389, 9989	Superseded by EO 11281
10349	Amended by EOs 10356, 10362, 10367	Temporary
10350		Revoked by EO 10773
10351		Authority repealed by Pub. L. 96-59 (94 Stat. 3459)
10352		Codified at 33 CFR Pt. 6
10353		Executed and obsolete
10354	Amended EO 9993	Revoked by EO 11140
10355		Codified at Chapter 43, p. 864
10356	Amended EO 10349	Temporary
10357		Public lands
10358	Amended by EOs 11226, 11272	Revoked by EO 11582
10359	Amended EO 10161	Revoked by EO 10480
10360	Amended EO 9781	Superseded by EO 10655
10361		Revoked by EO 11549
10362	Amended EO 10349	Temporary
10363	Amended EOs 9979, 9988, 10001, 10008, 10202, 10292. Amended by EOs 10420, 10469, 10659, 10714, 10984, 11188, 11350, 11360.	Revoked by EO 12553
10364		Executed and obsolete
10365	Amended EO 10266	Superseded by EO 10485
10366	Amended EOs 9988, 10292 Amended by EO 11360.	Revoked by EO 12553
10367	Amended EO 10349	Temporary
10368	Amended EO 10300 Amended by EO 10458	Revoked by EO 12553
10369		Nullified by Pub. L. 94-470 (70 Stat. 786, 50 U.S.C. 1213)
10369A		Confidential
10370		Revoked by EO 10493
10371		Revoked by EO 12553
10372		Revoked by EO 12553
10373	Amended EO 10161	Revoked by EO 10480
10374	Modified by EO 10932	Public lands
10375		Public lands
10376		Revoked by EO 12553
10377	Amended EO 10161	Revoked by EO 10480
10378		Public lands
10379	Amended by EO 10515	Temporary
10380	Amended by EO 10476	Position revoked by EO 1068
10381	Amended EO 9805	Revoked by EO 11012
10382		Authority repealed by Pub. L. 96-59 (80 Stat. 654, 50 U.S.C. 491 (a)(1))
10383		Public lands
10384		Public lands
10385		Temporary
10386		Executed and obsolete
10387		Superseded by EO 10519
10388		Revokes EO 8616
10389		Public lands
10390	Amended EO 10161	Revoked by EO 10480
10391	Amended EO 10011	Revoked by EO 10903
10392		Temporary
10393	Amended by EO 10613	Revoked by EO 10747
10394		Executed and obsolete

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Number or Date	Amendments	Disposition
10193	Amended by EO 10425	Temporary
10196		Agency terminated by act of June 30, 1953 (67 Stat. 131, 50 U.S.C. App. 2163(a))
10197		Temporary
10199		Authority repealed by Pub. L. 94-412 (90 Stat. 1255, 50 U.S.C. 1601)
10400		Codified at Chapter 42, p. 851
10401		Amends EOs 9703, 10122
10402	Amended EO 7548, Amended by EO 11239	Revoked by EO 11075
10403		Revoked by EO 12234
10404		Public lands
10405		Public lands
10406		Executed and obsolete
10407		Revoked by EO 12553
10408	Amended EO 10263, Amended by EO 10470	Revoked by EO 11968
10409		Superseded by EO 11021
10410		Superseded by EO 11016
10411		Superseded by EO 10446
10412		Public lands
10413		Executed and obsolete
10414		Public lands
10415	Modified EO 9721, Amended EO 9949	Public lands
10416	Amended EOs 10251, 10282	Revoked by EO 12553
10417		Authority repealed by Pub. L. 87-581 (76 Stat. 360, 41 U.S.C. 321 nt.)
10418		Revoked by EO 12553
10419	Amended EO 10321	Temporary
10420		Temporary
10421	Amended EOs 9988, 10001, 10008, 10167, 10202, 10258, 10292, 10328, 10363, Amended by EOs 10469, 10505, 10659, 10735, 11098, 11586	Public lands
10422	Amended by EOs 10438, 10773, 11051, 12148	Revoked by EO 12553
10423	Amended by EOs 10459, 10763, 11890, 12107	Revoked by EO 12656
10424		Codified at Chapter 22, p. 383
10425		Executed and obsolete
10426	Amended EOs 10339, 10395	Executed and obsolete
10427		Temporary
10428	Amended by EOs 10737, 10773, 11051	Revoked by act of Aug. 7, 1953 (67 Stat. 462, 43 U.S.C. 1331 et seq.)
10429		Revoked by EO 11575
10430		Authority repealed by act of Aug. 10, 1956 (70A Stat. 680)
10431		Amends EO 10179
10432		Executed and obsolete
10433	Amended EOs 10161, 10200	Codified at Chapter 32, p. 569
10434		Revoked by EO 10917
10435		Revoked by EO 10480
10436		Codified at Chapter 32, p. 532
10437		Executed and obsolete
10438		Public lands
10439	Amended EOs 9781, 10312, 10346, 10421	Temporary
10440		Revoked by EO 11051
10441	Amended EO 9830	Amends EO 10163
10442		Revoked by EO 10577
10443		Temporary
10444		Executed and obsolete
10445		Authority repealed by Pub. L. 87-581 (76 Stat. 360, 41 U.S.C. 321 nt.)
10446		Amends EO 8809
10447		Public lands
10448		Superseded by EO 10519
10449	Amended by EOs 11265, 11382	Executed and obsolete
10450		Codified at Chapter 32, p. 570
10451	Amended by EOs 10491, 10531, 10548, 10550, 11605, 11785, 12107	Revoked by EO 12553
10452		Codified at Chapter 5, p. 47
10453	Amended EO 8248	Executed and obsolete
10454		Revoked by EO 10729
10455		Public lands
10456	Amended by EO 10566	Public lands
10457		Executed and obsolete
10458		Revoked by EO 10475

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Number or Date	Amendments	Disposition
10457		Codified at Chapter 25, p. 462
10458	Amended EOs 10300, 10368. Amended by EO 10476.	Revoked by EO 12553
10459	Amended by EO 12107	Amends EO 10422
10460	Amended by EO 10773	Revoked by EO 10995
10461	Amended by EO 10480	Revoked by EO 11051
10462		Codified at Chapter 24, p. 427
10463		Revoked by EO 10577
10464		Executed and obsolete
10465		Superseded by EO 10546
10466		Temporary
10467		Revoked by EO 10480
10468	Amended EOs 7057, 7180, 7689	Administration terminated by act of Aug. 15, 1953 (67 Stat. 544)
10469	Amended EOs 10292, 10363, 10420. Amended by EOs 11098, 11266, 11360.	Revoked by EO 12553
10470	Amended EO 10408	Superseded by EO 11021
10471	Amended by EO 12292	Codified at Chapter 5, p. 53
10472	Amended by EO 10937	Revoked by EO 11256
10473		Revoked by EO 10697
10474		Temporary
10475	Amended EO 10276	Revoked by EO 10773
10476	Amended EOs 10159, 10300, 10380, 10458. Amended by EO 10560	Superseded by EO 10575
10477	Amended by EOs 10822, 12292	Codified at Chapter 22, p. 351
10478	Amended by EO 10658	Revoked by EO 10762
10479	Amended by EOs 10482, 10733	Revoked by EO 10925
10480	Amended by EOs 10489, 10537, 10574, 10662, 10773, 10819, 11051, 11062, 11748, 11956, 12038, 12148, 12381, 12521, 12649.	Codified at Chapter 32, p. 533
10481		Revoked by EO 11793
10482	Amended EO 10479	Revoked by EO 10925
10483	Amended by EO 10598	Superseded by EO 10700
10484		Executed and obsolete
10485	Amended by EO 12038	Codified at Chapter 10, p. 181
10486		Executed and obsolete
10487		Termination directed by act of Aug. 1, 1953 (67 Stat. 400, 50 USC App. 1971i nt.)
10488		Codified at Chapter 31, p. 507
10489		Amends EO 10480
10490		Temporary
10491		Amends EO 10450
10492		Committee terminated by act of July 29, 1958 (72 Stat. 432, 42 USC 2472 nt.)
10493		Codified at Chapter 13, p. 215
10494	Amended by EOs 10773, 11051	Revoked by EO 12148
10495	Amended by EO 10669	Revoked by EO 10820
10496		Public lands
10497	Amended EOs 9993, 10031, 10280	Revoked by EO 11140
10498		Authority repealed by act of Aug. 11, 1956 (70A Stat. 680)
10499	Amended by EO 12608	Codified at Chapter 32, p. 571
10500		Codified at Chapter 10, p. 183
10501	Amended by EOs 10816, 10901, 10964, 10985, 11097, 11382	Revoked by EO 11652
10502		Executed and obsolete
10503	Amended EO 10011	Revoked by EO 10903
10504		Revoked by EO 12553
10505	Amended EOs 10292, 10420. Amended by EOs 10659, 10735	Revoked by EO 12553
10506	Amended EO 9993	Superseded by EO 11140
10507	Amended EO 9805	Revoked by EO 11012
10508		Temporary
10509		Revoked by EO 12553
10510		Nullified by Pub. L. 96-88 (50 Stat. 668, 20 U.S.C. 3401)
10511		Revoked by EO 12553
10512		Revokes EO 9047
10513		Codified at Chapter 28, p. 479
10514		Revokes EO 2414
10515	Amended EO 10379	Temporary

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Number or Date	Amendments	Disposition
10516		Authority repealed by Pub. L. 87-428 (75 Stat. 318, 7 U.S.C. 1921 nt.)
10517		Temporary
10518		Executed and obsolete
10519		Superseded by EO 10784
10520		Public lands
10521	Amended by EO 10807, 12608	Codified at Chapter 9, p. 162
10522		Supplanted by Pub. L. 96-465 (94 Stat. 2078, 22 U.S.C. 3921)
10523		Executed and obsolete
10524	Amended by EOs 10592, 10773	Revoked by EO 11051
10525		Codified at Chapter 43, p. 865
10526		Public lands
10527		Executed and obsolete
10528		Public lands
10529	Amended by EOs 10773, 11051	Revoked by EO 12148
Apr. 30, 1954		Revoked by EO 10791
10530	Amended by EOs 10573, 10682, 10759, 10790, 10836, 10852, 10889, 10903, 10960, 10970, 11012, 11116, 11164, 11184, 11196, 11222, 11228, 11230, 12107, 12608	Codified at Chapter 47, p. 935
10531		Amends EO 10450
10532	Amended EO 9708	Revoked by EO 12452
10533		See note at EO 9698, Chapter 22, p. 399
10534	Amended by EO 10771	Revoked by EO 11382
10535		Revoked by EO 10826
10536	Amended by EO 11382	Revoked by EO 12079
10537		Amends EOs 10219, 10480
10538		Codified at Chapter 32, p. 543
10539	Amended EO 9942. Amended by EOs 10553, 10773	Revoked by EO 11051
10540		Revoked by EO 12107
10541	Continued EO 6783	Superseded by EO 11342
10542		Revoked by EO 12553
10543		Revoked by EO 12553
10544		Executed and obsolete
10545	Amended EO 5952	Revoked by EO 11339
10546		Superseded by EO 10725
10547		Executed and obsolete
10548		Amends EO 10450
10549	Amended by EO 12107	Temporary
10550	Amended by EO 12107	Amends EO 10450
10551		Executed and obsolete
10552	Amended by EO 12107	Codified at Chapter 5, p. 53
10553	Amended EO 10539	Revoked by EO 11051
10554		Codified at Chapter 32, p. 572
10555		Codified at Chapter 29, p. 480
10556	Amended by EO 12107	Codified at Chapter 5, p. 54
10557		Revoked by EO 10925
10558	Amended EO 10154	Superseded by EO 11313
10559		Superseded by EO 11230
10560	Amended EO 10476. Amended by EOs 10685, 10708, 10746, 10773, 10799, 10827, 10884	Superseded by EO 10900. Revoked by EO 12220
10561		Revoked by EO 12107
10562	Amended EO 10292. Amended by EOs 10984, 11360	Revoked by EO 12553
10563		Revokes EO 10266
10564		Executed and obsolete
10565		Nullified by EO 11430
10566	Amended EO 10455	Executed and obsolete
10567		Nullified by Pub. L. 84-870 (70 Stat. 786, 50 U.S.C. 1213)
10568		Executed and obsolete
10569	Amended EO 10334	Temporary
10570		Revoked by EO 12553
10571		Public lands
10571A		Confidential
10572		Executed and obsolete
10573	Amended EO 10530	Superseded by EO 11196
10574		Amends EO 10480
10575	Amended by EOs 10601, 10625, 10663, 10716, 10742, 10822	Superseded by EO 10893

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Number or Date	Amendments	Disposition
10576		Revoked by EO 12553
10577	Amended by EOs 10675, 10745, 10869, 12107	Codified at Chapter 5, p. 54
10578		Revoked by EO 12553
10579		Codified at Chapter 41, p. 625
10580		Temporary
10581		Codified at Chapter 33, p. 667
10582	Amended by EOs 10761, 1105, 12148, 12608	Codified at Chapter 41, p. 629
10583		Amends EO 10289
10584	Amended by EO 10913	Codified at Chapter 18, p. 324
10585		Codified at Chapter 26, p. 443
10586		Revoked by EO 10941
10587	Amended by EO 11086	Revoked by EO 12553
10588		Temporary
10589	Amended EO 6783	Superseded by EO 11342
10590	Amended by EOs 10722, 10773, 10925	Superseded by EO 11346
10591		Executed and obsolete
10592	Amended EO 10524	Revoked by EO 11051
10593	Amended EO 10296	Revoked by EO 12553
10594	Amended EOs 9979, 9988, 10001, 10292, 10344 Amended by EOs 10714, 10809, 10837, 10984, 11098, 11191	Revoked by EO 12553
10596		Revokes EO 9908
10597		Public lands
10598	Amended EO 10483	Superseded by EO 10700
10599		Temporary
10600		Amends EO 9260
10601	Amended by EOs 10773, 11051, 12148	Revoked by EO 12553
10602		Codified at Chapter 43, p. 865
10603		Amends EO 10309
10604		Superseded by EO 11609
10605	Amended EO 10119	Revoked by EO 11157
10606		Executed and obsolete
10607		Executed and obsolete
10608	Amended by EO 12608	Codified at Chapter 22, p. 353
10609		Codified at Chapter 22, p. 354
10610	Amended by EOs 10663, 10700, 10742, 10822	Superseded by EO 10893
10611		Revoked by EO 10773
10612		Public lands
10613	Amended EO 10393	Revoked by EO 10747
10614		Codified at Chapter 5, p. 57
10615		Revoked by EO 12553
10616		Revoked by EO 12082
10617		Authority repealed by Pub. L. 96-51 (94 Stat. 2880, 10 U.S.C. 666)
10618	Amended EO 10152	Revoked by EO 11157
10619		Executed and obsolete
10620		Executed and obsolete
10621	Amended by EOs 11294, 12396, 12561	Codified at Chapter 32, p. 572
10622		Revoked by EO 12553
10623	Amended EOs 10000, 10011	Revoked by EO 10903
10624	Amended by EOs 10903, 11530, 12292, 12608	Codified at Chapter 5, p. 59
10625	Amended EO 10575	Superseded by EO 10893
10626		Superseded by EO 11532
10627		Executed and obsolete
10628		Codified at Chapter 32, p. 574
10629	Amended by EOs 10667, 10677	Authority repealed by Pub. L. 96-51 (77 Stat. 134, 50 U.S.C. 10131)
10630		Revoked by EO 12553
10631	Amended by EOs 11382, 12017, 12633	Codified at Chapter 32, p. 574
Aug. 23, 1955		Revoked by EO 10791
10632		Terminated by Pub. L. 94-472 (96 Stat. 1255, 50 U.S.C. 1601)
10633	Amended by EO 10775	Repealed by FR Doc. 61-4803, July 6, 1961 (26 FR 6233)
10634	Amended by EOs 10773, 11051	Revoked by EO 12148
10635		Revoked by EO 12553
10636	Amended by EO 10903	Amends EO 10000
10637		Codified at Chapter 49, p. 959
10638	Amended by EO 10773	Revoked by EO 11051
10639	Amended EO 7968	Revoked by EO 10697
10640		Superseded by EO 10994
10641	Amended by EO 12107	Codified at 5 CFR Part 8.1-54
10642		Executed and obsolete

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Number or Date	Amendments	Disposition
963		Revoked by EO 12553
964	Amended by EO 11281	Revoked by EO 12553
965	Amended EO 9	Revoked by EO 11408
966		Codified at Chapter 32, p. 544
967	Amended by EOs 11355, 12107	Codified at Chapter 32, p. 576
968	Amended by EO 10898	Public lands
969		Amends EO 10153
970	Amended EO 9816. Amended by EOs 10714, 10984, 11188	Revoked by EO 12553
971		Revoked by EO 11190
972	Amended EO 10214	Nullified by EO 11430
973		Temporary
974	Amended by EO 12608	Codified at Chapter 34, p. 688
975	Amended by EOs 10754, 10773, 10796	Revoked by EO 10883
976		Revoked by EO 10938
977	Amended EO 9816. Amended by EOs 10734, 11105	Revoked by EO 12553
978	Amended EO 10478	Revoked by EO 10762
979	Amended EOs 9979, 9988, 10001, 10008, 10116, 10202, 10258, 10292, 10344, 10363, 10420, 10505	Revoked by EO 12553
	Amended by EOs 10714, 10735, 10809, 10984, 11098, 11188, 11350, 11360, 11497, 11527, 11537, 11563, 11586	
980	Amended by EOs 10773, 11051	Superseded by EO 11179
981		Codified at Chapter 32, p. 544
982	Amended EOs 10575, 10610	Amends EO 10480. Revokes EO 10160
983		Superseded by EO 10893
984		Public lands
985		Public lands
986		Public lands
987	Amended EO 10529	Authority repealed by Pub. L. 88-110 (77 Stat. 134, 50 U.S.C. 1013 nt.)
988		Amends EO 2859
989	Amended EO 10495	Revoked by EO 10820
990		Codified at Chapter 32, p. 545
991		Temporary
992		Revoked by EO 11968
993	Amended by EOs 10704, 10740, 10772, 10785, 10931	Revoked by EO 11074
994		Temporary
995		Amends EO 10577
996		See note at EO 9698, Chapter 22, p. 399
997	Amended EO 10629	Authority repealed by Pub. L. 88-110 (77 Stat. 134, 50 U.S.C. 1013 nt.)
998	Amended by EO 10720	Codified at Chapter 41, p. 831
999		Superseded by EO 10996
		See note at EO 9698, Chapter 22, p. 399
1000	Amended EO 10152	Revoked by EO 11157
1001	Amended EO 10530	Superseded by EO 11228
1002		Public lands
1003		Public lands
1004	Amended EO 10580. Amended by EO 10827	Superseded by EO 10900. Revoked by EO 12220
1005	Amended EO 10154	Superseded by EO 11313
1006		Temporary
1007		Public lands
1008		Revoked by EO 12553
1009		Executed and obsolete
1010		Revoked by EO 12553
1011	Amended EO 9080	Revoked by EO 12377
1012		Revoked by EO 12553
1013		Codified at Chapter 32, p. 546
1014		Amends EO 10096
1015	Amended by EO 10995	Revoked by EO 11556
1016		Revoked by EO 12553
1017		Authority maintained at departmental level (see EO 10718)
1018		Amends EO 10648
1019	Amended EO 10610. Amended by EOs 10773, 10838	Executed and obsolete
1020		Revoked by EO 10920

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Number or Date	Amendments	Disposition
10701		Executed and obsolete
10702		Temporary
10703	Amended by EO 10801	Executed and obsolete
10704	Amended EO 10673	Revoked by EO 10931
10705	Amended by EOs 10773, 10995, 11051, 11556	Revoked by EO 12046
10706		Executed and obsolete
10707	Amended by EO 11319	Codified at Chapter 49, p. 563
10708	Amended EO 10560	Superseded by EO 10900 Revoked by EO 12220
10709		Revoked by EO 12553
10710		Revoked by EO 12553
10711		Public lands
10712		Executed and obsolete
10713	Amended by EOs 11010, 11263, 11395, 11618	Nullified by treaty on May 15, 1972, TIAS 7314, 23 UST 446
10714	Amended EOs 9988, 10001, 10116, 10167, 10292, 10363, 10394, 10650, 10659. Amended by EOs 10809, 10837, 10984, 11098, 11188, 11350, 11360, 11586	Revoked by EO 12553
10715		Revokes EO 9775
10716	Amended EO 10575. Amended by EO 10912	Superseded by EO 11034
10717	Amended by EOs 10979, 11085, 12014, 12107	Codified at Chapter 5, p. 60
10718		Codified at Chapter 22, p. 355
10719		Public lands
10720		Amends EO 10678
10721		Temporary
10722	Amended EO 10590. Amended by EO 10925	Superseded by EO 11246
10723		Revoked by EO 12553
10724		Revoked by EO 10758
10725		Authority repealed by Pub. L. 96-513 (94 Stat. 2897, 10 U.S.C. 5701 et seq.)
10726		Executed and obsolete
10727		See note at EO 9698, Chapter 22, p. 399
10728		Revoked by EO 10927
10729		Revoked by EO 11205
10730		Executed and obsolete
10731		Revoked by EO 10797
10732		Amends EO 10250
10733	Amended EO 10479	Revoked by EO 10925
10734	Amended EO 10657	Revoked by EO 12553
10735	Amended EOs 10001, 10167, 10292, 10420, 10505. Amended by EOs 10984, 11098, 11119, 11241, 11360, 11497, 11527, 11537, 11563, 11606	Revoked by EO 12553
10736		Codified at Chapter 32, p. 546
10737	Amended EO 10427. Amended by EOs 10773, 11051	Revoked by EO 11575
10738	Amended by EOs 10906, 10954	Revoked by EO 12553
10739	Amended EO 10152	Revoked by EO 11157
10740	Amended EO 10673	Revoked by EO 10931
10741	Amended EO 10082	Revoked by EO 11075
10742	Amended EOs 10575, 10610	Superseded by EO 10893
10743		Revoked by EO 10885
10744		Temporary
10745		Amends EO 10577
10746	Amended EO 10560	Superseded by EO 10900 Revoked by EO 12220
10747		Codified at Chapter 22, p. 355
10748		Executed and obsolete
10749		Revoked by EO 12553
10750		Revoked by EO 12553
10751	Amended EO 10127	Revoked by FR Doc. 61-9007, Ser. 15, 1961 (26 FR 8883)
10752		Codified at Chapter 43, p. 696
10753		Superseded by EO 11487
10754	Amended EO 10655	Revoked by EO 10796
10755		Public lands
10756		Temporary
10757		Revoked by EO 12553
10758	Amended by EO 10777	Revoked by EO 10859
10759	Amended EO 10530	Superseded by EO 11230
10760		Revoked by EO 12553
10761	Amended EO 10582	Revoked by Proc. 3279

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Number or Date	Amendments	Disposition
10762		Codified at Chapter 32, p. 580
10763	Amended by EO 12107	Amends EO 10422
10764		Authority repealed by Pub. L. 87-581 (76 Stat. 360, 41 U.S.C. 321 nt.)
10765	Amended by EO 11382	Codified at 49 CFR Part 79
10766		Superseded by EO 11230
10767	Continued EO 6783	Superseded by EO 11342
10768		Revokes EO 7138
10769		See note at EO 9698, Chapter 22, p. 399
10770		Revoked by EO 12553
10771	Amended EO 10514	Revoked by EO 11382
10772	Amended EO 10673	Revoked by EO 11074
10773	Amended EOs 10219, 10242, 10260, 10296, 10312, 10346, 10427, 10460, 10480, 10494, 10524, 10529, 10539, 10560, 10590, 10601, 10634, 10638, 10655, 10660, 10700, 10705, 10737. Amended by EOs 10782, 10952, 10958	Revoked by EO 11051
10774	Amended by EOs 10804, 12107	
10775	Amended EO 10633	Revoked by EO 12553
10776		Repealed by FR Doc. 61-6503, July 6, 1961 (26 FR 6233)
10777	Amended EO 10758	Codified at Chapter 32, p. 580
10778		Revoked by EO 10859
10779		Executed and obsolete
10780		Superseded by EO 11282
10781		Authority repealed by Pub. L. 96-513 (94 Stat. 2897, 10 U.S.C. 5751 nt.)
10782	Amended EO 10773	Authority repealed by Pub. L. 96-513 (94 Stat. 2897, 10 U.S.C. 5751 nt.)
10783		Revoked by EO 11051
10784	Amended by EO 10845	Codified at Chapter 14, p. 229
10785	Amended EO 10673	Superseded by EO 11223
10786	Amended by EO 12608	Revoked by EO 10931
10787		Codified at Chapter 14, p. 230
10788		Public lands
10789		Executed and obsolete
10790	Amended by EOs 11051, 11382, 11610, 12148	Codified at Chapter 41, p. 832
10791	Amended EO 10530	Superseded by EO 11230
10792		Superseded by EO 10839
10793		Temporary
10794		Codified at Chapter 14, p. 231
10795		Superseded by EO 11171
10796	Amended EO 10655	See note at EO 9698, Chapter 22, p. 399
10797	Amended by EO 12608	Revoked by EO 10883
10798		Codified at Chapter 34, p. 689
10799	Amended EO 10560. Amended by EO 10900	Revoked by EO 10834
10800	Amended by EOs 10805, 11228	Revoked by EO 12220
10801	Amended EO 10703	Revoked by EO 11348
10802		Executed and obsolete
10803		Revoked by EO 10928
10804		Amends EO 10159
10805	Amended EOs 9721, 10103, 10774. Amended by EO 12107	Revoked by EO 11552
10806		Codified at Chapter 32, p. 581
10807	Amended EO 10521. Amended by EO 11381	Executed and obsolete
10808		Council abolished pursuant to Pub. L. 94-282 (90 Stat. 472, 42 U.S.C. 1862 nt.)
10809	Amended EOs 9988, 10001, 10202, 10292, 10594, 10659, 10714. Amended by EOs 10984, 11098, 11188, 11360	Executed and obsolete
10810	Amended by EO 10881	Revoked by EO 12553
10811		Superseded by EO 11142
10812		Revoked by EO 12553
10813		Codified at Chapter 32, p. 547
10814		Public lands
10815		Executed and obsolete
10816		Executed and obsolete
10817	Amended EO 10501	Revoked by EO 11652
10818		Temporary
10819		Executed and obsolete
		Amends EO 10480

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Number or Date	Amendments	Disposition
10820		Revoked by EO 12514
10821	Amended EO 10168	Revoked by EO 11157
10822	Amended by EO 10893	Amends EOs 10477, 10575, 10610
10823		Superseded by EO 10860
10824		Invalidated by Pub. L. 97-258 (96 Stat. 976, 31 U.S.C. 3727)
10825		Temporary
10826	Amended by EO 12107	Codified at Chapter 5, p. 61
10827	Amended EOs 10560, 10685	Superseded by EO 10900. Revoked by EO 12220
10828		Codified at Chapter 49, p. 93
10829		Temporary
10830	Amended by EOs 11074, 11398	Codified at Chapter 45, p. 917
10831		Nullified by Reorg. Plan No. 3 of 1973 (35 FR 15623, 3 CFR, 1966-1973 Comp., p. 1072)
10832		Revokes EO 9887
10833		Public lands
10834		Codified at Chapter 36, p. 757
10835		Superseded by EO 11228
10836		Superseded by EO 11230
10837	Amended EO 10530. Amended EOs 10242, 10292, 10328, 10344, 10594, 10714. Amended by EOs 11188, 11391, 11586.	Revoked by EO 12553
10838	Amended EO 10700.	Revoked by EO 10920
10839		Revoked by EO 12343
10840	Amended by EOs 11382, 12608	Codified at Chapter 14, p. 232
10841	Amended by EOs 10956, 12608	Codified at Chapter 10, p. 184
10842		Revoked by EO 12553
10843	Amended by EO 10848	Revoked by EO 12553
10844	Amended by EO 10993	Public lands
10845	Amended EO 10784.	Superseded by EO 11223
10846		Executed and obsolete
10847		Revoked by EO 11122
10848	Amended EO 10843	Revoked by EO 12553
10849	Amended by EO 10942	Codified at Chapter 14, p. 233
10850		Public lands
10851	Amended by EO 11178	Public lands
10852	Amended EO 10530.	Superseded by EO 11198
10853	Amended EO 10011. Amended by EOs 10903, 11123.	Revoked by EO 12228
10854	Amended by EO 11382	Codified at Chapter 14, p. 233
10855	Amended by EO 10876	Executed and obsolete
10856		Temporary
10857		Terminated by Pub. L. 96-70 (75 Stat. 141, 48 U.S.C. note prec. 21)
10858	Amended by EO 10968	Revoked by EO 11382
10859		Revokes EOs 10758, 10777
10860		Codified at Chapter 3, p. 13
10861		Authority repealed by Pub. L. 96-511 (94 Stat. 2897, 10 U.S.C. 591 (a))
10862		Revoked by EO 12553
10863		Codified at Chapter 28, p. 463
10864		See note at EO 9698, Chapter 22, p. 399
10865	Amended by EOs 10909, 11382. Modified by EO 12038.	Codified at Chapter 32, p. 628
10866		Revoked by EO 12033
10867		Codified at Chapter 28, p. 463
10868		Revoked by EO 12553
10869		Revokes EOs 982, 1624, 176, 177, 2119, 4124. Amends EO 10877
10870		Codified at Chapter 14, p. 234
10871		Executed and obsolete
10872		Revoked by EO 12553
10873	Amended by EO 11019.	See note at EO 9698, Chapter 22, p. 399
10874		Revoked by EO 12553
10875		Revoked by EO 12553
10876	Amended EO 10855.	Executed and obsolete
10877		Revoked by EO 12553
10878		Revoked by EO 12553
10879	Amended by EO 11174	Codified at Chapter 3, p. 13
10880	Amended by EO 12107.	Revoked by EO 12608

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Number or Date	Amendments	Disposition
10801	Amended EO 10810	Superseded by EO 11142
10802		Amends EO 10289
10803		Revokes EOs 10655, 10796
10804	Amended EO 10560	Superseded by EO 10900. Revoked by EO 12220
10805		Superseded by EO 11765
10806		Terminated by Pub. L. 94-412 (90 Stat. 1255, 50 U.S.C. 1601)
10807		Executed and obsolete
10808		Revoked by EO 12553
10809	Amended EO 10530. Amended by EO 10960	Superseded by EO 11230
10810	Amended by EO 10993	Public lands
10811		Temporary
10812	Amended EO 10152	Revoked by EO 11157
10813	Amended EO 10822. Amended by EOs 10900, 10915, 10973	Revoked by EO 12163. See note at EO 12220, Chapter 15
10814		Committee terminated Jan. 6, 1964
10815	Amended EO 6260	Codified at Chapter 32, p. 581
10816		Revoked by EO 11825
10817		Revoked by EO 12292
10818	Amended by EOs 10986, 11382	Revoked by EO 11515
10819	Modified by EO 12038	Codified at Chapter 32, p. 632
10820	Amended EOs 10799, 10893. Amended by EOs 10915, 10972, 11036, 11051, 11252, 11963, 12148, 12163	Revoked by EO 12220
10821	Amended EO 10501. Amended by EOs 10985, 11097	Revoked by EO 11652
10822	Amended by EO 10958	Revoked by EO 11051
10823	Amended by EOs 11137, 11228, 11230, 11380, 12107, 12292, 12608	Codified at Chapter 22, p. 388
10824		Revoked by EO 12553
10825	Amended EO 6260	Revoked by EO 11825
10826	Amended EO 10738. Amended by EO 10954	Revoked by EO 12553
10827		Terminated by Pub. L. 95-431 (92 Stat. 1043)
10828		Executed and obsolete
10829	Amended by EO 12608	Amends EO 10865
10830	Amended by EO 11267	Codified at Chapter 9, p. 165
10831		Executed and obsolete
10832	Amended EO 10716	Superseded by EO 11034
10833		Amends EO 10584
10834		Executed and obsolete
10835	Amended EOs 10893, 10900. Amended by EOs 10973, 12148	Revoked by EO 12220. See note at EO 12220, Chapter 15
10836		Temporary
10837		Amends EO 10072. Revokes EO 10432
10838		Revoked by EO 11710
10839	Amended by EO 10926	Revoked by EO 12553
10840		Revokes EO 10700
10841	Amended by EO 10922	Executed and obsolete
10842	Amended EO 10921	Executed and obsolete
10843	Amended by EO 10933	Revoked by EO 12553
10844		Superseded by EO 11041
10845	Amended EOs 10590, 10722. Amended by EOs 11114, 11162	Superseded by EO 11246
10846	Amended EO 10919	Revoked by EO 12553
10847	Amended by EO 12107	Revoked by EO 12353
10848		Revokes EO 10802
10849	Amended by EO 10991	Temporary
10850		Amends EO 10096
10851	Amended EO 10673	Revoked by EO 11074
10852		Modifies Procs. 1844, 1931, 1932, 1938, 2035, 2061, 2218, 2719, 2313, 2319, 2336, 2357, 2367, 2363, EOs 7359, 10374
10853		Revoked by EO 12553
10854	Amended EO 10923	Executed and obsolete
10855		Temporary
10856		Revoked by EO 12430
10857	Amended EO 10472	Revoked by EO 11256
10858		Revoked by EO 11460
10859		Revoked by EO 11222
10860		Revoked by EO 11529

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Number or Date	Amendments	Disposition
10941		Revoked by EO 11680
10942		Amends EO 10849
10943		Revoked by EO 12033
10944		Revoked by EO 12553
10945	Continued by EO 11038	Expired pursuant to act of Feb. 26, 1949 (63 Stat. 7, 40 U.S.C. App. 2032 nt.)
10946		Revoked by EO 11374
10947		Temporary
10948		Temporary
10949	Amended by EO 10951	Revoked by EO 12553
10950		Codified at Chapter 43, p. 866
10951	Amended EO 10949	Revoked by EO 12553
10952	Amended EO 10773. Amended by EO 11051	Revoked by EO 12148
10953		Revoked by EO 12553
10954	Amended EOs 10738, 10906	Revoked by EO 12553
10955		Superseded by EO 10973
10956		Amends EO 10841
10957		Temporary
10958	Amended EOs 10773, 10902. Amended by EO 11051	Revoked by EO 11794
10959		Executed and obsolete
10960	Amended EOs 10530, 10889	Superseded by EO 11230
10961		Revoked by EO 11287
10962		Revoked by EO 12553
10963		Revoked by EO 12553
10964	Amended EO 10501	Revoked by EO 11652
10965		Revoked by EO 12553
10966		Temporary
10967		Codified at Chapter 43, p. 867
10968	Amended EO 10858	Revoked by EO 11382
10969		Revoked by EO 12553
10970	Amended EO 10530. Amended by EO 11230	Superseded by EO 11294
10971		Revoked by EO 12553
10972	Amended EO 10900	Revoked by EO 12220
10973	Amended EOs 10893, 10915. Amended by EOs 11261, 11417, 11432, 11579, 11685, 11816, 11841, 11959, 12107, 12118	Revoked by EO 12163
10974	Amended by EO 11039	Temporary
10975		Revoked by EO 12553
10976		Revoked by EO 12553
10977	Amended by EO 11382	Codified at Chapter 32, p. 582
10978		Codified at Chapter 15, p. 254
10979		Amends EO 10717
10980		Temporary
10981		Temporary
10982	Amended by EO 12107	Codified at Chapter 5, p. 62
10983		See note at EO 9698, Chapter 22, p. 399
10984	Amended EOs 9988, 10001, 10008, 10116, 10202, 10292, 10363, 10562, 10594, 10650, 10659, 10714, 10735, 10809. Amended by EOs 11098, 11119, 11188, 11241, 11350, 11360, 11497, 11527, 11537, 11563, 11586	Revoked by EO 12553
10985	Amended EOs 10501, 10901	Revoked by EO 11652
10986	Amended EO 10898	Revoked by EO 11515
10987		Revoked by EO 11787
10988		Revoked by EO 11491
10989	Amended EO 10168	Revoked by EO 11157
10990		Superseded by EO 11612
10991	Amended EO 10929	Temporary
10992		Public lands
10993		Amends Proc. 3379; EOs 10844, 10845
10994	Amended by EO 11018	Superseded by EO 11480
10995	Amended EO 106954, 10705. Amended by EO 11084	Revoked by EO 11556
10996		Codified at Chapter 32, p. 582
10997		Revoked by EO 11490
10998		Revoked by EO 114
10999		Revoked by EO 11490
11000		Revoked by EO 11490
11001		Revoked by EO 11490
11002		Revoked by EO 11490

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Number or Date	Amendments	Disposition
13003		Revoked by EO 11490
13004		Revoked by EO 11490
13005		Revoked by EO 11490
13006		Revoked by EO 12553
13007		Superseded by EO 11671
13008		Revoked by EO 12553
13009	Amended EO 10214	Nullified by EO 11430
13010	Amended EO 10713	Nullified by treaty on May 15, 1972, TIAS 7314, 23 UST 446
13011		Revoked by EO 12553
13012	Amended by EOs 11230, 12608	Codified at Chapter 41, p. 837
13013		Revoked by EO 12553
13014		Executed and obsolete
13015		Revoked by EO 12553
13016	Amended by EO 11382, 12464	Codified at Chapter 32, p. 584
13017	Amended by EOs 11069, 11218	Superseded by EO 11278
13018	Amended EO 10994	Superseded by EO 11480
13019		Amends EO 10873
13020		Temporary
13021	Amended by EOs 11944, 12608	Codified at Chapter 43, p. 867
13022	Amended by EOs 11376, 12106	Revoked by EO 12379
13023	Amended by EO 12608	Codified at Chapter 15, p. 255
13024		Executed and obsolete
13025	Amended by EOs 11026, 11029	Revoked by EO 12553
13026	Amended EO 11025	Revoked by EO 12553
13027		Revoked by EO 12553
13028		Amends Procs. 1931, 2362, 2363
13029	Amended EO 11025	Revoked by EO 12553
13030	Amended by EOs 1 354, 12080, 12608	Codified at Chapter 3, p. 15
13031	Amended and continued EO 6783	Superseded by EO 11342
13032	Amended EO 5952	Revoked by EO 11339
13033		Revoked by EO 12553
13034	Amended by EOs 11380, 12292, 12608	Codified at Chapter 22, p. 356
13035		Superseded by EO 11512
13036	Amended EO 10900	Revoked by EO 12220
13037	Amended EO 6260	Revoked by EO 11825
13038	Continued EO 10945	Executed and obsolete
13039	Amended EO 10974	Temporary
13040		Revoked by EO 12553
13041	Amended by EO 11250	Superseded by EOs 11603, 12137
13042		Revoked by EO 12553
13043		Revoked by EO 12553
13044	Amended by EO 12608	Codified at Chapter 22, p. 417
13045		Revokes EOs 8683, 8729, 10341
13046	Amended by EO 11382	Codified at Chapter 32, p. 586
13047	Amended by EO 12608	Codified at Chapter 14, p. 234
13048		Codified at Chapter 32, p. 547
13049		Revoked by EO 12553
13050		Revoked by EO 12553
13051		Revoked by EO 12148
13052	Amended Proc. 3279; EOs 10242, 10260, 10296, 10312, 10346, 10421, 10427, 10480, 10494, 10529, 10582, 10601, 10634, 10660, 10703, 10737, 10759, 10900, 10932, 10938. Amended by EOs 11075, 11556, 11725, 12046.	
13053	Amended by EO 11214	Superseded by EO 11651
13054		Executed and obsolete
13055		Revoked by EO 12553
13056		Temporary
13057		Superseded by EO 11073
13058	Modified by EO 12038	Codified at Chapter 22, p. 361
13059		Temporary
13060		See note at EO 9698, Chapter 22, p. 399
13061	Amended by EO 12608	Codified at Chapter 28, p. 464
13062		Temporary
13063		Amends EO 10480
13064	Amended by EO 12259	Codified at Chapter 24, p. 428
13065		Temporary
13066		Temporary
13067		Public lands
13068		Public lands
13069	Amended EO 11017	Executed and obsolete
		Superseded by EO 11278

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Number or Date	Amendments	Disposition
11070	Amended EO 9708	Revoked by EO 12452
11071	Amended by EO 11224	Authority repealed by Pub. L. 96-89 Stat. 59, 26 U.S.C. 955 (nt.)
11072		Public lands
11073	Amended by EO 11173	Superseded by EO 11721
11074	Amended EO 10830	Revoked by EO 11398
11075	Amended EO 11051. Amended by EOs 11106, 11113.	Revoked by EO 11846
11076		Temporary
11077	Amended by EO 11922, 12608	Codified at Chapter 8, p. 154
11078		Revoked by EO 12553
11079	Amended by EO 11382, 12608	Codified at Chapter 32, p. 587
11080		Temporary
11081	Amended EO 10214	Nullified by EO 11430
11082		Temporary
11083		Temporary
11084	Amended EO 10995	Revoked by EO 11556
11085		Amends EOs 9586, 10336, 10717
11086	Amended EO 10587	Revoked by EO 12553
11087		Revoked by EO 11490
11088		Revoked by EO 11490
11089		Revoked by EO 11490
11090		Revoked by EO 11490
11091		Revoked by EO 11490
11092		Revoked by EO 11490
11093		Revoked by EO 11490
11094		Revoked by EO 11490
11095		Revoked by EO 11490
11096	Amended by EO 12107	Nullified by Pub. L. 95-454 (5 Stat. 1119, 5 U.S.C. 1101)
11097	Amended EOs 10501, 10907	Revoked by EO 11652
11098	Amended EOs 10001, 10008, 10202, 10292, 10420, 10469, 10594, 10659, 10714, 10723, 10809, 10984. Amended by EOs 11119, 11188, 11241, 11266, 11360, 11497, 11527, 11537, 11553, 11563.	Revoked by EO 12553
11099		Temporary
11100	Amended by EO 11134	Temporary
11101		Revoked by EO 12553
11102		Revoked by EO 12553
11103	Amended by EO 12107	Codified at Chapter 5, p. 63
11104		Temporary
11105	Amended EOs 9816, 10657	Revoked by EO 12553
11106	Amended EO 11075	Revoked by EO 11846
11107		Superseded by EO 12434
11108		Revoked by EO 12553
11109		Temporary
11110		Amends EO 10289
11111		Executed and obsolete
11112	Amended by EO 11124	Revoked by EO 11208
11113	Amended EO 11075	Revoked by EO 11846
11114	Amended EO 10925. Amended by EO 11162	Superseded by EO 11246
11115		Revoked by EO 12553
11116	Amended by 11230	Revoked by EO 12553
11117		Revoked by EO 11515
11118		Executed and obsolete
11119	Amended EOs 10735, 10984, 11098. Amended by EOs 11241, 11497, 11527, 11537, 11563.	Revoked by EO 12553
11120	Amended EOs 10152, 10168, 10204	Revoked by EO 11157
11121		Revoked by EO 12553
11122		Superseded by EO 11307
11123	Amended EO 10853	Revoked by EO 12728
11124	Amended EO 11112	Revoked by EO 11208
11125		Revoked by EO 11222
11126	Amended by EOs 11221, 12007. Continued by EOs 11827, 11948	Revoked by EO 12090
11127		Revoked by EO 12553
11128		Temporary
11129		Codified at Chapter 14, p. 239
11130		Executed and obsolete
11131		Revoked by EO 12553
11132	Amended by EO 11148	Revoked by EO 11753
11133		Temporary
11134	Amended EO 11100	Temporary

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Number or Date	Amendments	Disposition
1135		Revoked by EO 12553
1136	Amended by EO 11349	Superseded by EO 11583
1137	Amended by EO 11382	Codified at Chapter 32, p. 587
1138	Modified EO 9721 Amended EO 19103	Revoked by EO 12553
1139		Codified at Chapter 32, p. 589
1140	Amended by EO 12608	Codified at Chapter 42, p. 852
1141		Codified at Chapter 29, p. 480
1142		Superseded by EO 11302
1143	Amended by EO 11159	Revoked by EO 11425
1144		Executed and obsolete
1145	Amended by EO 11565 Continued by EOs 11827, 11948, 12110, 12258, 12399, 12489, 12534, 12610	Codified at Chapter 36, p. 759
1146	Amended EO 10204	Revoked by EO 11157
1147		Revoked by EO 12553
1148	Amended EO 11132	Revoked by EO 11753
1149	Amended by EO 11382	Revoked by EO 11428
1150		Revoked by EO 11192
1151		Revoked by EO 12082
1152		Revoked by EO 11515
1153		Temporary
1154		Executed and obsolete
1155	Amended by EO 12158	Codified at Chapter 48, p. 955
1156		Revoked by EO 11427
1157	Amended by EOs 11242, 11253, 11259, 11292, 11382, 11424, 11473, 11511, 11591, 11716, 11728, 11897, 11929, 11939, 12094, 12243, 12274, 12337, 12380, 12394, 12420, 12488, 12494, 12541, 12573, 12577, 12608	Codified at Chapter 32, p. 589
1158		Executed and obsolete
1159	Amended EO 11143	Revoked by EO 11425
1160		Codified at Chapter 15, p. 258
1161	Amended by EO 11382	Codified at Chapter 14, p. 236
1162	Amended EO 10925, 11114	Superseded by EO 11246
1163		Public lands
1164	Amended EO 10530	Superseded by EO 11230
1165		Public lands
1166		Public lands
1167		Public lands
1168		Public lands
1169		Revoked by EO 12553
1170		Revoked by EO 12553
1171		Revoked by EO 12553
1172	Amended by EO 12107	Revoked by EO 12553
1173		Public lands
1174	Amended EO 11072	Superseded by EO 11721
1175	Amended by EO 11407	Amends EO 10879
1176	Amended by EO 11304	Authority repealed by Pub. L. 94-455 (90 Stat. 1814, 26 U.S.C. 4911 mt.)
1177		Superseded by EO 11213
1178	Amended by EO 12018	Codified at Chapter 33, p. 667
1179		Supersedes Proc. 2263 Amends EO 10851
1180	Amended by EO 2148	Codified at Chapter 44, p. 878
1181		Revoked by EO 12553
1182		Revoked by EO 12553
1183	Amended by EOs 11382, 11386	Revoked by EO 11608
1184	Amended by EOs 11410, 11648, 11946, 12012, 12107, 12653 Continued by EOs 11827, 11948, 12110, 12258, 12399, 12489, 12534, 12610	Codified at Chapter 5, p. 64
1185	Amended by EO 10530, 11196	Superseded by EO 11230
1186	Amended by EOs 11260, 11661	Superseded by EO 11761
1187		Revoked by EO 11209
1188		Temporary
1189	Amended EOs 9988, 10292, 10363, 10639, 10714, 10809, 10837, 10984, 11098 Amended by EOs 11350, 11360	Revoked by EO 12553
1190	Amended by EO 11195	Revoked by EO 12060
1191	Amended by EO 11382	Codified at Chapter 32, p. 603
1192	Amended by EO 11556	Revoked by EO 12046
1193		Temporary
1194		Temporary
1195		Temporary
1196	Amended EO 11189	Revoked by EO 12060
	Amended EOs 10530, 11184	Revoked by EO 12553

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Number or Date	Amendments	Disposition
11197		Revoked by EO 11247
11198	Amended by EOs 11304, 11328	Authority repealed by Pub. L. 94-401 (90 Stat. 1814, 26 U.S.C. 4011)
11199		Revokes EO 5786
11200		Codified at Chapter 43, p. 869
11201		Temporary
11202		Revoked by EO 11813
11203	Amended by EO 12107	Codified at Chapter 5, p. 66
11204		Temporary
11205		Revokes EO 10729
11206		Revoked by EO 12553
11207		Executed and obsolete
11208		Revokes EOs 11112, 11124
11209		Revoked by EO 11386
11210	Amended by EO 11347	Executed and obsolete
11211	Amended by EOs 11368, 11506	Authority repealed by Pub. L. 94-401 (90 Stat. 1814, 26 U.S.C. 4011)
11212		Public lands
11213		Revoked by EO 12553
11214	Amended EO 11052	Superseded by EO 11851
11215	Amended by EO 11309	Temporary
11216		Codified at Chapter 28, p. 444
11217		Temporary
11218	Amended EO 11017	Superseded by EO 11278
11219	Amended by EO 12107, 12292	Codified at Chapter 5, p. 67
11220		Public lands
11221	Amended EO 11126	Revoked by EO 12050
11222	Amended by EOs 11590, 12107, 12565	Codified at Chapter 5, p. 68
11223	Amended by EOs 12163, 12178	Codified at Chapter 22, p. 403
11224	Amended EO 11071	Superseded by EO 11285
11225	Amended by EO 11449	See note at EO 9698, Chapter 2, p. 399
11226	Amended EO 10358	Revoked by EO 11582
11227		Revoked by EO 11718
11228	Amended by EOs 11257, 12107	Codified at Chapter 5, p. 74
11229		Revoked by EO 11449
11230	Amended EOs 10530, 10903, 10970, 11012, 11116, 11275, 11290, 11294	Superseded by EO 11809
11231	Amended by EO 11382	Codified at Chapter 32, p. 604
11232		Revoked by EO 11437
11233		Temporary
11234		Temporary
11235		Temporary
11236		Temporary
11237		Revoked by EO 12553
11238		Temporary
11239	Amended EO 10402. Amended by EO 11382, 12234	Codified at Chapter 33, p. 969
11240		Temporary
11241	Amended EOs 10735, 10984, 11098, 11119. Amended by EOs 11360, 11497, 11527, 11537, 11563	Revoked by EO 12553
11242		Amends EO 11157
11243		Revoked by EO 12553
11244		Superseded by EO 11340
11245		Superseded by EO 11340
11246	Amended by EOs 11375, 11478, 12086, 12107	Codified at Chapter 29, p. 401
11247		Superseded by EO 11784
11248	Amended by EOs 11251, 11252, 11262, 11268, 11273, 11293, 11299, 11316, 11323, 11335, 11338, 11346, 11367, 11369, 11384, 11385, 11389, 11393, 11400, 11409, 11416, 11421, 11441, 11463, 11468, 11489, 11499, 11504, 11510, 11516, 11540, 11542, 11550, 11581, 11587, 11604, 11634, 11641, 11676, 11699	Revoked by EO 11708
11249		Codified at 33 CFR 6.01-1, 6.01-5, 6.04-5, 6.04-6, 6.06-7
11250	Amended EO 11041	Superseded by EOs 11803, 12177
11251	Amended EO 11248	Superseded by EO 11708
11252	Amended EO 11248. Amended by EO 12527	Revoked by EO 12553
11253	Amended EO 11157	Revoked by EO 12380
11254		Board terminated pursuant to Pub. L. 89-283 (79 Stat. 1018, 18 U.S.C. 2022 nt.)

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Number or Date	Amendments	Disposition
11255		Revoked by EO 12553
11256		Revoked by EO 12379
11257		Amends EO 11228
11258		Superseded by EO 11288
11259		Amends EO 11157
11260	Amended EO 11185	Revoked by EO 11661. Superseded by EO 11761
11261	Amended EO 10973	Revoked by EO 12163
11262	Amended EO 11248	Revoked by EO 11708
11263	Amended EO 10713	Nullified by treaty on May 15, 1972, TIAS 7314, 23 UST 446
11264	Amended by EOs 11434, 11636, 12107, 12292	Revoked by EO 12363
11265		Amends EO 10448
11266	Amended EOs 10292, 10469, 11098. Amended by EO 11360.	Revoked by EO 12553
11267		Codified at Chapter 28, p. 464
11268	Amended EO 11248. Amended by EO 11393	Revoked by EO 11708
11269	Amended by EOs 11334, 11808, 11977, 12164, 12188, 12403, 12567, 12647	Codified at Chapter 31, p. 507
11270		Authority repealed by Pub. L. 94-412 (90 Stat. 1255, 50 U.S.C. 1601)
11271		Temporary
11272	Amended EO 10358	Revoked by EO 11582
11273	Amended EO 11248	Revoked by EO 11708
11274		Codified at Chapter 24, p. 432
11275	Amended EO 11230	Superseded by EO 11609
11276		Revoked by EO 12553
11277		Revoked by EO 11718
11278	Amended by EOs 11359A, 11402	Revoked by EO 11472
11279		Temporary
11280		Superseded by EO 11776
11281		Codified at Chapter 31, p. 510
11282		Superseded by EO 11507
11283		See note at EO 9698, Chapter 22, p. 399
11284		Revoked by EO 12553
11285		Authority repealed by Pub. L. 94-455 (90 Stat. 1814, 26 U.S.C. 4911 et.)
11286		Revoked by EO 12553
11287	Amended by EOs 11502, 11734. Continued by EOs 11827, 11948, 12110, 12258, 12399, 12489, 12534, 12610	Codified at Chapter 9, p. 165
11288		Superseded by EO 11507
11289		Temporary
11290	Amended EO 11230	Superseded by EO 11609
11291		Revoked by EO 12553
11292		Amends EO 11157
11293	Amended EO 11248	Revoked by EO 11708
11294	Amended EO 10621. Amended by EO 11609	Revoked by EO 12561
11295		Codified at Chapter 22, p. 361
11296		Revoked by EO 11988
11297		Codified at Chapter 24, p. 432
11298		Codified at Chapter 32, p. 604
11299	Amended EO 11248	Superseded by EO 11708
11300		Codified at Chapter 28, p. 465
11301		Temporary
11302	Amended by EOs 11429, 11609	Codified at Chapter 38, p. 784
11303	Modified EO 9721. Amended EO 10103	Revoked by EO 12553
11304		Amends EOs 11175, 11198
11305		Revoked by FR Doc. 79-38798, Dec. 7, 1979 (44 FR 75308)
11306		Temporary
11307		Revoked by EO 12553
11308		Revoked by EO 12553
11309	Amended EO 11215	Temporary
11310		Revoked by EO 11490
11311		Codified at Chapter 19, p. 333
11312		Revoked by EO 12047
11313		Nullified by Pub. L. 91-375 (84 Stat. 719, 39 U.S.C. 101)
11314		Revoked by EO 12553
11315	Amended by EO 12107	Codified at Chapter 5, p. 75
11316	Amended EO 11248	Revoked by EO 11708

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Number or Date	Amendments	Disposition
11317	Amended EO 10214	Nullified by EO 11430
11318	Amended by EO 11351	Superseded by EO 11760
11319		Amends EO 10707
11320		Revoked by EO 12553
11321		Revoked by EO 12553
11322	Amended EO 11248	Revoked by EO 12183
11323		Revoked by EO 11708
11324		Revoked by EO 12553
11325		Revoked by EO 12553
11326	Amended by EO 11382	Nullified by treaty on May 13, 1972 TIAS 7314, 23 UST 446
11327	Amended by EO 11366	Revoked by EO 12553
11328		Modifies EO 11198
11329		Revoked by EO 12553
11330	Amended by EO 11547	Revoked by EO 12370
11331	Amended by EOs 11613, 12038, 12148	Revoked by EO 12319
11332		Temporary
11333		Temporary
11334		See note at EO 9808, Chapter 32, p. 399
11335	Amended EO 11248	Revoked by EO 11708
11336		Codified at Chapter 7, p. 141
11337		Temporary
11338	Amended EO 11248	Revoked by EO 11708
11339		Codified at Chapter 32, p. 405
11340		Sets effective date for Pub. L. 90-4
11341		Temporary
11342	Amended by EO 11937. Continued by EOs 11827, 11948.	Revoked by EO 12029
11343		Revoked by EO 12553
11344		Revoked by EO 12553
11345	Amended by EOs 11613, 11646, 11882, 12038, 12148.	Revoked by EO 12319
11346	Amended EO 11248	Revoked by EO 11708
11347	Amended EO 11210	Executed and obsolete
11348	Amended by EO 12107	Codified at Chapter 3, p. 77
11349	Amended EO 11136	Superseded by EO 11583
11350	Amended EOs 9988, 10001, 10008, 10116, 10202, 10292, 10363, 10639, 10714, 10984, 11188. Amended by EOs 11360, 11586.	Revoked by EO 12553
11351	Amended EO 11318	Superseded by EO 11760
11352		Revoked by EO 11437
11353	Amended by EO 11418	Revoked by EO 11508
11354		Amends EOs 3577, 10347, 11000
11355	Amended by EO 12107	Amends EO 10647
11356		Revoked by EO 12553
11357		Functions vested in National Highway Traffic Safety Administration Pub. L. 91-605 (44 Stat. 172) U.S.C. 401 note
11358	Amended by EOs 11613, 11635	Temporary
11359	Amended EO 11278	Superseded by EO 11737
11359A		Revoked by EO 11472
11360	Amended EOs 9979, 9988, 10001, 10008, 10202, 10292, 10363, 10366, 10362, 10639, 10714, 10735, 10809, 10984, 11098, 11188, 11241, 11266, 11350. Amended by EOs 11497, 11527, 11537, 11555, 11563, 11586, 11606.	Revoked by EO 12553
11361		Revoked by EO 11437
11362		Executed and obsolete
11363		See note at EO 9808, Chapter 32, p. 399
11364		Executed and obsolete
11365		Temporary
11366		Codified at Chapter 32, p. 405
11367	Amended EO 11248	Superseded by EO 11708
11368	Amended EO 11211. Amended by EO 11464	Authority repealed by Pub. L. 90 Stat. 1814, 26 U.S.C. 401
11369	Amended EO 11248	Revoked by EO 11708
11370		Temporary
11371	Amended by EOs 11528, 11613, 11707, 11882, 12038, 12148.	Revoked by EO 12319
11372		Revoked by EO 11439

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Number or Date	Amendments	Disposition
1173		Temporary
1174		Codified at Chapter 29, p. 489
1175	Amended by EO 11478	Amends EO 11246
1176	Amended EO 11022	Revoked by EO 12379
1177		Revoked by EO 12608
1178		Executed and obsolete
1179		Nullified by Pub. L. 93-198 (87 Stat. 790)
1180		Amends EOs 10903, 11034
1181	Amended EO 10807	Abolished by Pub. L. 94-282 (90 Stat. 472, 42 U.S.C. 1862 nt.)
1182	Amended EOs 10591, 10536, 10765, 10898, 11149, 11182, 11326. Amended by EOs 11428, 11515, 12334.	Revokes EOs 10534, 10771, 10858, 10968, 12334. Amends EOs 10448, 10631, 10789, 10840, 10854, 10865, 10977, 11016, 11046, 11079, 11137, 11157, 11161, 11190, 11231, 11239; 49 CFR Part 79
1183		Temporary
1184	Amended EO 11248	Revoked by EO 11708
1185	Amended EO 11248	Revoked by EO 11708
1186	Amended by EO 11608	Revoked by EO 12553
1187		Revoked by EO 12553
1188		Superseded by EO 11880
1189	Amended EO 11248	Revoked by EO 11708
1190	Amended by EOs 11601, 12396, 12608	Codified at Chapter 32, p. 606
1191	Amended EOs 10344, 10594, 10837	Revoked by EO 12553
1192		Temporary
1193	Amended EOs 11248, 11268	Revoked by EO 11708
1194	Amended by EO 11411	Temporary
1195	Amended EO 10713	Nullified by treaty on May 15, 1972, TIAS 7314, 23 UST 446
1196		Codified at Chapter 28, p. 465
1197		Revoked by EO 11521
1198	Amended EO 10830. Amended by EO 11492	Revoked by EO 11562
1199	Amended by EOs 11551, 11688	Council terminated Nov. 26, 1974, under provisions of Pub. L. 91-125 (83 Stat. 220, 25 U.S.C. nt. prec. 1)
1200	Amended EO 11248	Revoked by EO 11708
1201	Amended EO 6868	Nullified by Pub. L. 93-198 (87 Stat. 779, 40 U.S.C. 71a)
1202	Amended EO 11278	Revoked by EO 11472
1203		Executed and obsolete
1204		Executed and obsolete
1205		Executed and obsolete
1206		Temporary
1207	Amended by EO 11520	Amends EO 11174
1208		Revokes EOs 9, 9-2, 653, 661, 1072, 1118, 1210, 1390, 1472, 1583, 1930, 1947, 1991, 2071, 2154, 2252, 2325, 2506, 2819, 3158, 3359, 3597, 3668, 3771, 3860, 3941, 4013, 4048, 4059, 4250, 4439, 4527, 4627, 5133, 5187, 5188, 5627, 5666, 5700, 6051, 6108, 6259, 6518, 6824, 7332, 7369, 7636, 7648, 7736, 7796, 7823, 7896, 7944, 8390, 8399, 8516, 8880, 8980, 9367, 9442, 9845, 10044, 10055, 10645
1209	Amended EO 11248	Revoked by EO 11708
1210		Amends EO 11183
1211	Amended EO 11394	Temporary
1212	Amended by EO 11469	Temporary
1213		Superseded by EO 11811
1214		Superseded by EO 11812
1215	Continued by EOs 11827, 11948	Revoked by EO 12148
1216	Amended EO 11248	Revoked by EO 11708
1217	Amended EO 10973	Revoked by EO 12163
1218	Amended EO 11353	Revoked by EO 11509
1219	Amended by EO 11978	Revoked by EO 12183
1220		Codified at Chapter 15, p. 260
1221	Amended EO 11248	Revoked by EO 11708
1222	Amended by EO 12107	Revoked by EO 12553
1223		Codified at Chapter 22, p. 362
1224		Amends EO 11157

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Number or Date	Amendments	Disposition
11425		Temporary
11426		Superseded by EO 11455
11427		Revokes EO 11156
11428	Amended EO 11382	Revokes EO 11149
11429		Amends EO 11302
11430		Nullified by EO 11476
11431		Revoked by EO 12553
11432	Amended EO 10973	Revoked by EO 12161
11433		Revoked by EO 12553
11434	Amended EO 11264. Amended by EOs 12107, 12292.	Revoked by EO 12553
11435		Codified at Chapter 25, p. 441
11436		Revoked by EO 12553
11437		Revoked by EO 12082
11438	Amended by EO 12107	Codified at Chapter 32, p. 607
11439		Revokes EO 11372
11440	Amended by EO 12608	Codified at Chapter 41, p. 838
11441	Amended EO 11248	Revoked by EO 11708
11442		Revoked by EO 12553
11443		Revoked by EO 12553
11444		Revoked by EO 12553
11445		Revoked by EO 12553
11446		Codified at Chapter 12, p. 608
11447		Executed and obsolete
11448	Amended by EO 12312	Codified at Chapter 32, p. 609
11449	Amended EO 11225	Revoked by EO 12553
11450		Codified at Chapter 19, p. 334
11451	Amended by EO 12107	Superseded by EO 12136
11452	Amended by EOs 11500, 11541	Revoked by EO 12553
11453		Revoked by EO 11702
11454		Temporary
11455		Revoked by EO 11690
11456		Codified at Chapter 3, p. 17
11457		Temporary
11458		Superseded by EO 11625
11459		Superseded by EO 12445
11460		Revoked by EO 11984
11461		Temporary
11462		Temporary
11463	Amended EO 11248	Revoked by EO 11708
11464	Amended EO 11368. Amended by EOs 11754, 11766.	Authority repealed by Pub. L. 94-490 Stat. 1814, 26 U.S.C. 4911
11465		Temporary
11466		Superseded by EO 11867
11467	Amended by EO 12608	Codified at Chapter 22, p. 364
11468	Amended EO 11248	Revoked by EO 11708
11469	Amended EO 11412	Temporary
11470		Superseded by EOs 11603, 12137
11471		Codified at Chapter 22, p. 365
11472	Amended by EOs 11514, 11541, 12007. Continued by EOs 11827, 11948.	Codified at Chapter 40, p. 793
11473	Amended EO 11157	Revoked by EO 12394
11474		Superseded by EO 11811
11475		Superseded by EO 11812
11476	Amended by EOs 11835, 12018, 12198, 12233, 12306, 12315, 12340, 12383, 12460.	Rescinded by EO 12473
11477	Modified by EO 12038	Codified at Chapter 10, p. 189
11478	Amended by EOs 11590, 12106	Codified at Chapter 5, p. 90
11479		Temporary
11480	Amended by EOs 12106, 12608	Revoked by EO 12640
11481		Temporary
11482		Revoked by EO 12110
11483		Temporary
11484		See note at EO 9698, Chapter 22, p. 399
11485		Codified at Chapter 32, p. 609
11486		Revoked by EO 12553
11487		Codified at Chapter 43, p. 873
11488		Public lands
11489	Amended EO 11248	Revoked by EO 11708
11490	Amended by EOs 11522, 11556, 11746, 11921, 11953, 12038, 12046, 12107, 12148, 12608.	Revoked by EO 12656

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Number or Date	Amendments	Disposition
11491	Amended by EOs 11616, 11636, 11838, 11901, 12027, 12107.	Codified at Chapter 5, p. 82
11492	Amended EO 11398.	Revoked by EO 11562
11493	Amended by EO 11541.	Revoked by EO 12553
11494		Codified at Chapter 3, p. 18
11495		Revoked by EO 11575
11496		Temporary
11497	Amended EOs 10001, 10202, 10292, 10659, 10735, 10984, 11098, 11119, 11241, 11360.	Revoked by EO 12553
11498		Codified at Chapter 32, p. 610
11499	Amended EO 11248.	Revoked by EO 11708
11500		Amends EO 11452
11501	Amended by EO 11685.	Revoked by EO 11958
11502		Amends EO 11287
11503		Temporary
11504	Amended EO 11248.	Revoked by EO 11708
11505		Temporary
11506		Amended EO 11211
11507		Superseded by EO 11752
11508	Amended by EO 11560.	Superseded by EO 11724
11509		Nullified by Pub. L. 92-463 (86 Stat. 770)
11510	Amended EO 11248.	Revoked by EO 11708
11511		Amends EO 11157
11512		Revoked by EO 12072
11513	Amended by EO 11597.	Temporary
11514	Amended by EOs 11541, 11991.	Codified at Chapter 40, p. 795
11515		Amends EOs 9586, 11382. Revokes EOs 10898, 10986, 11117, 11152
11516	Amended EO 11248.	Revoked by EO 11708
11517		Codified at Chapter 22, p. 365
11518		Codified at Chapter 13, p. 216
11519		Executed and obsolete
11520		Amends EO 11407
11521	Amended by EO 12107.	Codified at Chapter 38, p. 785
11522	Amended EO 11490.	Superseded by EO 11921
11523		Council terminated Jan. 5, 1975, under provisions of Pub. L. 92-463 (86 Stat. 770, 5 U.S.C. App.)
11724		Superseded by EO 11811
11525		Superseded by EO 11812
11526		Superseded by EO 11749
11527	Amended EOs 10001, 10202, 10292, 10659, 10735, 10984, 11098, 11119, 11241, 11360.	Revoked by EO 12553
11528	Amended EO 11371.	Revoked by EO 12319
11529		Revokes EOs 10302, 10940
11530		Amends EO 10624
11531		Superseded by EO 11895
11532		Superseded by EO 11981
11533	Amended by EO 11907. Continued by EOs 11683, 11798, 11818.	Revoked by EO 12002
11534		Revoked by EO 12110
11535		Temporary
11536		Temporary
11537	Amended EOs 10001, 10202, 10659, 10735, 10984, 11098, 11119, 11241, 11360. Amended by EO 11563.	Revoked by EO 12553
11538		Executed and obsolete
11539	Amended by EO 12188.	Codified at Chapter 19, p. 334
11540	Amended EO 11248. Amended by EO 11715.	Revoked by EO 11708
11541	Amended by EOs 11609, 11713, 11717, 12013, 12027, 12107, 12318.	Codified at Chapter 34, p. 690
11542	Amended EO 11248.	Revoked by EO 11708
11543		Revoked by EO 12553
11544		Superseded by EO 11926
11545		Codified at Chapter 32, p. 611
11546	Amended by EO 11557.	Temporary
11547	Amended EO 11330.	Revoked by EO 12379
11548		Superseded by EO 11735
11549		Revokes EO 10361
11550	Amended EO 11248.	Revoked by EO 11708

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Number or Date	Amendments	Disposition
11551	Amended EO 11399	Council terminated Nov. 28, 1971 under provisions of Pub. L. 91-12 (83 Stat. 220, 25 U.S.C. nt. proc.).
11552	Amended by EO 12107	Codified at Chapter 5, p. 95
11553	Amended EOs 10001, 10008, 10292, 11098	Revoked by EO 12553
11554	Amended by EOs 11684, 11799, 11925	Revoked by EO 12082
11555	Amended EOs 9979, 11360	Revoked by EO 12553
11556	Amended EOs 10705, 11051, 11191, 11490. Amended by EO 11921	Revoked by EO 12046
11557	Amended EO 11546	Temporary
11558		Revoked by EO 12553
11559		Revoked by EO 12553
11560	Amended EO 11508	Superseded by EO 11724
11561	Amended by EOs 12107, 12608	Codified at Chapter 5, p. 96
11562	Amended by EOs 11945, 12098. Continued by EOs 11827, 11948, 12110, 12258.	Revoked by EO 12345
11563	Amended EOs 10001, 10202, 10292, 10659, 10735, 10984, 11098, 11119, 11241, 11360, 11537.	Revoked by EO 12553
11564		Codified at Chapter 15, p. 261
11565		Amends EO 11145
11566		Codified at Chapter 16, p. 307
11567		Superseded by EO 11759
11568		Executed and obsolete
11569	Amended EO 10292	Revoked by EO 12553
11570	Amended by EO 12107	Codified at Chapter 39, p. 791
11571	Amended EO 6868	Nullified by Pub. L. 93-198 (87 Stat. 779)
11572		Executed and obsolete
11573		Temporary
11574		Revoked by EO 12553
11575	Amended by EO 11662	Superseded by EO 11749
11576		Superseded by EO 11811
11577		Superseded by EO 11812
11578	Amended by EOs 11882, 12038, 12148	Revoked by EO 12319
11579	Amended by EOs 12107, 12163	Codified at Chapter 31, p. 512
11580	Amended by EO 12608	Codified at Chapter 13, p. 218
11581	Amended EO 11248	Revoked by EO 11708
11582		Codified at Chapter 5, p. 96
11583	Amended by EOs 11595, 11702, 12007, 12608. Continued by EOs 11827, 11948	Codified at Chapter 16, p. 309
11584		Temporary
11585		Revoked by EO 12553
11586	Amended EOs 10001, 10008, 10202, 10292, 10420, 10659, 10714, 10837, 10984, 11350, 11360	Revoked by EO 12553
11587	Amended EO 11248	Revoked by EO 11708
11588	Amended by EOs 11627, 11640	Superseded by EO 11695. Revoked by EO 11788
11589	Amended by EO 12107	Codified at Chapter 5, p. 98
11590		Amends EOs 11222, 11478
11591		Amends EO 11157
11592		Codified at Chapter 34, p. 692
11593		Codified at Chapter 36, p. 740
11594		Executed and obsolete
11595		Amends EO 11583
11596		See note at EO 9698, Chapter 22, p. 399
11597	Amended EO 11513	Temporary
11598		Superseded by EO 11700
11599		Nullified by Pub. L. 92-255 (86 Stat. 65, 21 U.S.C. 1101 et al.).
11600		Codified at Chapter 34, p. 692
11601	Amended EO 11390	Revoked by EO 12396
11602		Superseded by EO 11735
11603	Amended by EO 12107	Superseded by EO 11708
11604	Amended EO 11248	Revoked by EO 11785
11605	Amended EO 10450	Revoked by EO 12553
11606	Amended EOs 10001, 10735, 11360	Revoked by EO 11792
11607		Amends EO 11386. Revokes EO 11105
11608		Codified at Chapter 34, p. 692
11609	Amended by EOs 11713, 11779, 12107, 12215, 12466, 12522, 12608	Amends EO 10789
11610		Temporary
11611		

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Number or Date	Amendments	Disposition
11612		Superseded by EO 11807
11613	Amended EOs 11331, 11345, 11359, 11371	Revoked by EO 12319
11614		Council terminated Jan. 5, 1975, under provisions of Pub. L. 92-463 (86 Stat. 770, 5 U.S.C. App.)
11615	Amended by EO 11617	Superseded by EO 11627
11616	Amended by EO 12107	Amends EO 11491
11617	Amended EO 11615	Superseded by EO 11627
11618	Amended EO 10713	Nullified by treaty on May 15, 1972, TIAS 7314, 23 UST 446
11619		Executed and obsolete
11620		Temporary
11621	Amended by EO 11622	Revoked by EO 12553
11622	Amended EO 11621	Revoked by EO 12553
11623	Amended by EO 12608	Codified at Chapter 32, p. 549
11624		Temporary
11625	Amended by EO 12007. Continued by EOs 11827, 11948.	Codified at Chapter 13, p. 218
11626		Temporary
11627	Amended EO 11588. Amended by EOs 11630, 11632, 11695	Superseded by EO 11640. Revoked by EO 11788
11628		Codified at Chapter 40, p. 797
11629		Codified at Chapter 22, p. 366
11630	Amended EO 11627	Superseded by EO 11640
11631		Temporary
11632	Amended EO 11627	Superseded by EO 11640
11633		Codified at Chapter 22, p. 389
11634	Amended EO 11248	Revoked by EO 11708
11635	Amended EO 11359	Superseded by EO 11737
11636	Amended EOs 11264, 11491. Amended by EOs 12027, 12128	Revoked by EO 12292
11637		Superseded by EO 11811
11638		Superseded by EO 11812
11639	Amended by EO 12107	Codified at Chapter 5, p. 98
11640	Amended EO 11588. Amended by EOs 11660, 11674	Superseded by EO 11695. Revoked by EO 11788
11641	Amended EO 11248	Revoked by EO 11727
11642		Temporary
11643	Amended by EOs 11870, 11917	Revoked by EO 12342
11644	Amended by EOs 11989, 12608	Codified at Chapter 43, p. 873
11645		Codified at Chapter 49, p. 964
11646	Amended EO 11345	Revoked by EO 12319
11647	Amended by EOs 11731, 11892, 12038	Revoked by EO 12149
11648	Amended by EO 12107	Amends EO 11183
11649	Amended by EO 11916	Codified at Chapter 3, p. 18
11650		Revoked by EO 12553
11651	Amended by EOs 11951, 12188. Supplemented by EO 12475	Codified at Chapter 15, p. 262
11652	Amended by EOs 11714, 11862, 12038	Revoked by EO 12065
11653		Temporary
11654		Revoked by EO 12379
11655		Temporary
11656		Temporary
11657		Temporary
11658	Amended by EOs 11882, 12038, 12148	Revoked by EO 12319
11659	Amended by EOs 11737, 11882, 12038, 12148	Revoked by EO 12319
11660	Amended EO 11640	Superseded by EO 11695
11661	Amended EO 11185	Superseded by EO 11761
11662	Amended EO 11575	Superseded by EO 11749
11663		Revoked by EO 12553
11664		Revoked by EO 12553
11665		Temporary
11666		Temporary
11667	Continued by EO 11827	Revoked by EO 11948
11668		Codified at Chapter 24, p. 434
11669		Temporary
11670		Public lands
11671		Superseded by EO 11686
11672		Codified at Chapter 41, p. 840
11673	Amended EO 8684	Revoked by EO 11886
11674	Amended EO 11640	Superseded by EO 11695
11675		Temporary
11676	Amended EO 11248	Revoked by EO 11727

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Number or Date	Amendments	Disposition
11677		Revoked by EO 11683
11678		Superseded by EO 11749
11679		Revoked by EO 12553
11680		Revoked by EO 11822
11681		Revokes EO 5221
11682		Executed and obsolete
11683	Continued EO 11533. Continued by EO 11818	Revoked by EO 12002
11684	Amended EO 11554	Revoked by EO 12082
11685	Amended EOs 10973, 11051	Revoked by EOs 11958, 12163
11686		Superseded by EO 11769
11687	Amended by EO 12608	Codified at Chapter 32, p. 611
11688	Amended EO 11399	Council terminated Nov. 26, 1979 under provisions of Pub. L. 91-12 (83 Stat. 220, 25 U.S.C. tit. 16, sec. 1601)
11689		Codified at Chapter 22, p. 401
11690		Codified at Chapter 3, p. 19
11691	Amended by EO 11777	Superseded by EO 11811
11692	Amended by EO 11778	Superseded by EO 11812
11693		Temporary
11694		Revoked by EO 12553
11695	Amended EO 11627. Amended by EO 11781	Revoked by EO 11740
11696		Temporary
11697		Revoked by EO 11713
11698		Codified at Chapter 28, p. 566
11699	Amended EO 11248	Revoked by EO 11708
11700		Temporary
11701		Codified at Chapter 41, p. 840
11702		Amends EO 11583. Revokes EO 11451
11703	Amended Proc. 3279. Amended by EO 12188	Superseded by EO 11733
11704		Temporary
11705		Temporary
11706		Revoked by EO 12553
11707	Amended EO 11371	Revoked by EO 12319
11708	Amended by EOs 11715, 11727, 11736	Superseded by EO 11788
11709		Revoked by EO 11773
11710	Amended by EO 11729	Revoked by EO 11823
11711		Temporary
11712		Superseded by EO 11728
11713	Amended EOs 11541, 11609	Revoked by EO 12215
11714	Amended EO 11652	Revoked by EO 12065
11715	Amended EOs 11540, 11708	Superseded by EO 11788
11716	Amended EO 11768	Revoked by EO 12340
11717	Amended by EO 11893	Codified at Chapter 34, p. 698
11718		Revoked by EO 11986
11719		Temporary
11720		Temporary
11721	Amended by EOs 12004, 12107	Codified at Chapter 5, p. 99
11722		Temporary
11723	Amended by EOs 11730, 11781	Revoked by EO 11788
11724		Superseded by EO 11954
11725	Amended EO 11031. Amended by EOs 11749, 12046	Revoked by EO 12148
11726	Amended by EO 11748	Superseded by EO 11775
11727		Codified at Chapter 21, p. 339
11728		Amends EO 11157
11729	Amended EO 11710	Revoked by EO 11823
11730	Amended EO 11723. Amended by EO 11781	Revoked by EO 11788
11731	Amended EO 11647. Amended by EO 11892	Revoked by EO 12149
11732		Codified at Chapter 24, p. 433
11733		Amends EO 10122
11734		Amends EO 11287
11735	Amended by EO 12418	Codified at Chapter 40, p. 798
11736	Amended EO 11708	Superseded by EO 11788
11737	Amended EO 11659	Revoked by EO 12319
11738		Codified at Chapter 40, p. 801
11739		Superseded by EO 11811
11740		Superseded by EO 11812
11741		Temporary
11742		Codified at Chapter 22, p. 367
11743	Amended Proc. 3279	Superseded by EO 11775
11744	Amended by EO 12107	Codified at Chapter 5, p. 103
11745		Revoked by EO 12553
11746	Amended EO 11490	Superseded by EO 11921

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Number or Date	Amendments	Disposition
11747	Amended by EO 12608	Codified at Chapter 18, p. 329
11748	Amended EOs 10480, 11726	Revoked by EO 11790
11749	Amended EO 11725	Revoked by EO 12148
11750		Temporary
11751		Authority terminated Apr. 27, 1975, pursuant to Pub. L. 93-182 (87 Stat. 707, 15 U.S.C. 260a note)
11752	Modified by EO 12038	Revoked by EO 12088
11753	Continued by EOs 11827, 11948, 12110	Revoked by EO 12131
11754	Amended EO 11464	Authority repealed by Pub. L. 94-455 (90 Stat. 1814, 26 U.S.C. 4911 nt.)
11755	Amended by EO 12608	Codified at Chapter 28, p. 456
11756		Temporary
11757		Temporary
11758	Amended by EOs 11784, 11867, 12608	Codified at Chapter 45, p. 918
11759		Superseded by EO 12096
11760		See note at EO 9698, Chapter 22, p. 399
11761	Modified by EO 12038	Revoked by EO 12553
11762		Codified at Chapter 38, p. 787
11763	Amended by EO 11806	Temporary
11764		Revoked by EO 12250
11765		Codified at Chapter 32, p. 550
11766	Amended EO 11464	Authority repealed by Pub. L. 94-455 (90 Stat. 1814, 26 U.S.C. 4911 nt.)
11767		See note at EO 9698, Chapter 22, p. 399
11768	Amended by EOs 11774, 11780, 11831, 11843	Superseded by EO 11861
11769		Revoked by EO 12024
11770		Executed and obsolete
11771		Revoked by EO 12553
11772		Codified at Chapter 22, p. 367
11773		Revokes EOs 11697, 11708
11774	Amended EO 11768	Superseded by EO 11861
11775	Amended by EO 11790	Supersedes EO 11726, 11743. Amends Proc. 3279
11776	Amended by EO 12608. Continued by EOs 11827, 11948, 12110, 12258, 12399, 12489, 12534, 12610.	Codified at Chapter 45, p. 919
11777	Amended EO 11691	Superseded by EO 11811
11778	Amended EO 11692	Superseded by EO 11812
11779		Amends EO 11609
11780	Amended EO 11768	Superseded by EO 11861
11781	Amended EOs 11695, 11723, 11730	Revoked by EO 11788
11782		Revoked by EO 12379
11783		Revoked by EO 12553
11784	Amended EO 11758	Superseded by EO 11867
11785		Amends EO 10450. Revokes EO 11605
11786		Executed and obsolete
11787	Amended by EO 12107	Revoked by EO 12553
11788		Revoked by EO 12553
11789	Amended by EO 11808	Revoked by EO 11846
11790	Amended by EO 12038	Codified at Chapter 10, p. 186
11791		Temporary
11792		Revokes EO 11607
11793		Revoked by EO 11957
11794		Revokes EO 10958
11795	Amended by EOs 11910, 12148	Codified at Chapter 44, p. 879
11796		Revoked by EO 11798
11797		Revoked by EO 12553
11798	Continued EO 11531. Continued by EO 11818	Revoked by EO 12002
11799	Amended EO 11534	Revoked by EO 12082
11800	Amended by EO 12608	Codified at Chapter 32, p. 612
11801		Temporary
11802		Temporary
11803	Amended by EOs 11837, 11842, 11857, 11878	Temporary
11804		Executed and obsolete
11805		Revoked by EO 12553
11806	Amended EO 11763	Temporary
11807	Continued by EOs 11827, 11948, 12110	Revoked by EO 12196
11808	Amended EOs 11269, 11789. Amended by EOs 11846, 11865, 11903	Revoked by EO 11975
11809		Revoked by EO 11948
11810		Revoked by EO 11818

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Number or Date	Amendments	Disposition
11811		Superseded by EO 11883
11812		Superseded by EO 11883
11813		Revoked by EO 12015
11814	Amended by EOs 11819, 11855	Revoked by EO 12083
11815		Codified at Chapter 36, p. 763
11816	Amended EO 10973	Revoked by EO 12163
11817	Amended by EO 12107	Codified at Chapter 5, p. 105
11818	Continued EOs 11533, 11683, 11798	Revoked by EO 11818
11819	Amended EO 11814	Revoked by EO 12083
11820		Executed and obsolete
11821	Amended by EO 11949	Temporary
11822		Codified at Chapter 31, p. 513
11823		Executed and obsolete
11824		Temporary
11825		Codified at Chapter 31, p. 513
11826		Temporary
11827	Continued EOs 11126, 11145, 11183, 11287, 11342, 11415, 11472, 11562, 11583, 11625, 11667, 11753, 11776, 11807. Amended by EO 11915	Superseded by EO 11948
11828	Amended by EO 11848	Temporary
11829	Amended by EO 11853	Revoked by EO 12379
11830	Amended by EOs 12106, 12450	Codified at Chapter 29, p. 490
11831	Amended EO 11768	Superseded by EO 11861
11832	Amended by EOs 11889, 11979, 11980	Revoked by EO 12050
11833		Revoked by EO 11863
11834		Revoked by EO 12553
11835	Amended EO 11476	Rescinded by EO 12473
11836		Revoked by EO 12553
11837	Amended EO 11803. Amended by EO 11842	Temporary
11838	Amended by EO 12107	Amends EO 11441
11839		Codified at 5 CFR Part 63, § 11
11840		Revoked by EO 12081
11841	Amended EO 10973	Revoked by EO 12163
11842	Amended EOs 11803, 11837	Temporary
11843	Amended EO 11768	Superseded by EO 11861
11844		Superseded by EO 11888
11845	Amended by EO 12608	Codified at Chapter 34, p. 699
11846	Amended by EOs 11894, 11947, 12102, 12163, 12188	Codified at Chapter 13, p. 263
11847		Temporary
11848	Amended EO 11828	Temporary
11849		Revoked by EO 12110
11850		Codified at Chapter 32, p. 551
11851		Codified at Chapter 19, p. 335
11852		Revoked by EO 12553
11853	Amended EO 11829	Revoked by EO 12379
11854		Codified at Chapter 15, p. 268
11855	Amended EO 11814	Revoked by EO 12083
11856		Codified at 5 CFR Part 9.11
11857	Amended EO 11803	Temporary
11858	Amended by EO 12188	Codified at Chapter 31, p. 514
11859		Temporary
11860		Revoked by EO 11948
11861	Amended by EOs 11864, 11872, 11877, 11885, 11893, 11898, 11908, 11927, 11976, 11983, 11986, 11995, 11999, 12025, 12035, 12060, 12069	Revoked by EO 12076
11862	Amended EO 11652	Revoked by EO 12065
11863		Revoked by EO 11968
11864	Amended EO 11861	Superseded by EO 11877
11865	Amended EO 11808	Revoked by EO 11975
11866		See note at EO 9698, Chapter 22, § 399
11867	Amended EO 11758. Amended by EO 11893	Revoked by EO 12553
11868	Amended by EOs 11873, 11936	Revoked by EO 11948
11869		Temporary
11870	Amended EO 11643	Revoked by EO 12342
11871		Revoked by EO 12553
11872	Amended EO 11861	Revoked by EO 11983
11873	Amended EO 11868	Revoked by EO 11948
11874		Codified at Chapter 34, p. 598
11875		Temporary
11876		Revoked by EO 12553
11877	Amended EO 11861	Revoked by EO 12076

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Number or Date	Amendments	Disposition
11870	Amended EO 11803	Temporary
11879		Codified at Chapter 15, p. 268
11880	Amended by EO 12608	Codified at Chapter 15, p. 268
11881		Revoked by EO 12105
11882	Amended EOs 11345, 11371, 11578, 11658, 11659	Revoked by EO 12319
11883		Superseded by EO 11941
11884		Codified at Chapter 3, p. 20
11885	Amended EO 11861	Revoked by EO 12076
11886		Revokes EOs 8684, 11673
11887		Codified at 5 CFR 6.8
11888	Amended by Procs. 4561, 5050, 5365; EOs 11906, 11934, 11960, 11974, 12032, 12041, 12104, 12124, 12180, 12181, 12204, 12222, 12267, 12302, 12311, 12349, 12354, 12371, 12369, 12413, 12441, 12459, 12471, 12483	Tariff
11889	Amended EO 11832	Revoked by EO 12050
11890	Amended by EO 12107	Amends EO 10422
11891		Temporary
11892	Amended EOs 11647, 11751	Revoked by EO 12149
11893	Amended by EO 12076	Codified at Chapter 34, p. 700
11894		Amends EO 11846
11895	Amended by EO 12107	Codified at Chapter 5, p. 106
11896	Amended by EOs 12150, 12227, 12357	Revoked by EO 12553
11897		Amends EO 11157
11898	Amended EO 11861	Revoked by EO 12076
11899	Amended by EO 12107, 12608	Codified at Chapter 5, p. 106
11900		Temporary
11901	Amended by EO 12107	Amends EO 11491
11902	Amended by EO 12038	Revoked by EO 12058
11903	Amended EO 11808	Revoked by EO 11975
11904		Codified at Chapter 32, p. 613
11905	Amended by EOs 11985, 11994, 12038	Superseded by EO 12036
11906		Amends EO 11888
11907	Amended EO 11533	Revoked by EO 12002
11908	Amended EO 11861	Revoked by EO 12076
11909		Temporary
11910		Amends EO 11795
11911		Revoked by EO 12608
11912	Amended by EOs 12003, 12038, 12148, 12375	Codified at Chapter 10, p. 187
11913		Codified at Chapter 15, p. 269
11914		Revoked by EO 12250
11915	Amended EO 11827	Superseded by EO 11948
11916		Amends EO 11649
11917	Amended EO 11643	Revoked by EO 12342
11918		Codified at Chapter 32, p. 552
11919		Codified at Chapter 28, p. 468
11920		Revoked by EOs 12547, 12553
11921	Amended EO 11556	Amends EO 11490. Supersedes EOs 11522, 11746
11922		Amends EO 11077
11923		Temporary
11924		Temporary
11925	Amended EO 11554	Revoked by EO 12082
11926		Codified at Chapter 3, p. 21
11927	Amended EO 11861	Revoked by EO 12076
11928		Temporary
11929		Amends EO 11157
11930		Revoked by EO 11933
11931		Codified at Chapter 22, p. 401
11932		Codified at Chapter 10, p. 193
11933		Revokes EO 11930
11934		Amends EO 11888
11935	Amended by EO 12107	Codified at 5 CFR Part 7.4
11936	Amended EO 11868	Revoked by EO 11948
11937	Amended EO 11342	Revoked by EO 12029
11938	Amended by EO 12107	Amends EO 10000
11939		Amends EO 11157
11940		Revoked by EO 12002
11941	Amended by EO 11943	Superseded by EO 12010
11942		Temporary
11943	Amended EO 11941	Superseded by EO 12010
11944		Amends EO 11021
11945	Amended EO 11562	Revoked by EO 12345

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Number or Date	Amendments	Disposition
11946		Amends EO 11183
11947		Amends EO 11846
11948	Continued EOs 11126, 11143, 11183, 11287, 11342, 11415, 11472, 11562, 11583, 11625, 11733, 11776, 11807. Amended by EOs 12007, 12029.	Superseded by EO 12110
11949	Amended EO 11821	Temporary
11950		Codified at Chapter 32, p. 613
11951		Amends EO 11651
11952		Revoked by EO 12145
11953		Amends EO 11490
11954	Amended by EO 12030	Revoked by EO 12348
11955	Amended by EO 12107	Codified at Chapter 5, p. 107
11956		Amends EO 10480
11957		Codified at Chapter 7, p. 144
11958	Amended by EOs 12118, 12163, 12210, 12321, 12365, 12423, 12560.	Codified at Chapter 22, p. 419
11959	Amended EO 10973	Revoked by EO 12163
11960	Amended EO 11888	Revoked by EO 11974
11961	Amended by EOs 12013, 12318, 12518	Codified at Chapter 31, p. 516
11962		Revoked by EO 12007
11963	Amended EO 10900	Revoked by EO 12220
11964		Codified at Chapter 33, p. 671
11965		Codified at Chapter 32, p. 614
11966		See note at EO 9698, Chapter 22, p. 399
11967		Codified at Chapter 2, p. 6
11968		Revoked by EO 11997
11969	Amended by EO 12038	Revoked by EO 12553
11970	Continued by EOs 12110, 12258	Revoked by EO 12599
11971	Amended by EO 11982	Revoked by EO 12110
11972	Amended by EO 11993	Revoked by EO 12059
11973		Revoked by EO 12110
11974		Amends EO 11888. Revokes EO 1196
11975		Authorities expired Sept. 30, 1977, and Sept. 30, 1981
11976	Amended EO 11851	Revoked by EO 12076
11977		See note at EO 9698, Chapter 22, p. 399
11978	Amended EO 11419	Revoked by EO 12183
11979	Amended EO 11832	Revoked by EO 12050
11980	Amended EO 11832	Revoked by EO 12050
11981		Codified at Chapter 5, p. 108
11982	Amended EO 11971	Revoked by EO 12110
11983	Amended EO 11861	Revoked by EO 12076
11984		Revokes EO 11460
11985	Amended EO 11905	Superseded by EO 12036
11986	Amended EO 11861	Revoked by EO 12076
11987		Codified at Chapter 40, p. 803
11988	Amended by EO 12148	Codified at Chapter 40, p. 804
11989		Amends EO 11644
11990	Amended by EO 12608	Codified at Chapter 40, p. 807
11991		Amends EO 11514
11992	Continued by EOs 12110, 12258	Revoked by EO 12305
11993	Amended EO 11972	Revoked by EO 12059
11994	Amended EO 11905	Superseded by EO 12036
11995	Amended EO 11861	Revoked by EO 12060
11996		Temporary
11997		Codified at Chapter 5, p. 109
11998		Revoked by EO 12110
11999	Amended EO 11881	Revoked by EO 12076
12000		Temporary
12001		Expired Dec. 31, 1983
12002		Codified at Chapter 15, p. 269
12003		Amends EO 11912
12004	Amended by EO 12107	Amends EO 11721
12005		Tariff
12006		Temporary
12007	Amended EOs 11126, 11948	Amends EOs 11472, 11583, 11625. Revokes EO 11962
12008	Amended by EO 12107	Revoked by EO 12364
12009		Revoked by EO 12553
12010		Superseded by EO 12087
12011		Temporary

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Number or Date	Amendments	Disposition
12002		Amends EO 11183
12003	Amended EOs 10033, 10253, 11541, 11961	Revoked by EO 12318
12004	Amended by EO 12107	Amends EO 10717
12005	Amended by EO 12107	Codified at Chapter 5, p. 110
12006		Temporary
12007		Amends EO 10631
12008	Amended EO 11476	Rescinded by EO 12473
12009		Codified at Chapter 32, p. 615
12010		Codified at Chapter 38, p. 788
12011		Codified at 5 CFR Parts 6.8, 9.11
12012	Amended by EO 12052	Revoked by EO 12258
12013		Codified at Chapter 32, p. 615
12014		Codified at Chapter 34, p. 701
12015	Amended EO 11861	Revoked by EO 12076
12016		Codified at Chapter 5, p. 111
12017	Amended by EO 12107	Codified at Chapter 5, p. 111
12018	Amended by EO 12122	Codified at Chapter 3, p. 22
12019	Amended EO 11948	Revokes EOs 11342, 11937
12020	Amended EO 11954	Revoked by EO 12348
12021		Temporary
12022		Amends EO 11888
12023		Revokes EOs 10866, 10943
12024		Revoked by EO 12608
12025	Amended EO 11861	Revoked by EO 12076
12026	Amended by EO 12139	Revoked by EO 12333
12027		Temporary
12028	Amended by EO 12156	Codified at Chapter 10, p. 194
12029	Amended by EO 12399	Codified at Chapter 9, p. 168
12030		Revoked by EO 12553
12031		Amends EO 11888
12032		Revoked by EO 12379
12033	Amended by EO 12107	Codified at 5 CFR Parts 6.1, 6.6, 9.6, 9.20
12034	Amended by EO 12221	Revoked by EO 12291
12035		Codified at Chapter 3, p. 24
12036	Amended by EOs 12148, 12472	Codified at Chapter 47, p. 937
12037	Amended by EO 12388	Codified at Chapter 22, p. 367
12038	Amended by EOs 12388, 12608	Codified at Chapter 22, p. 368
12039	Amended by EOs 12107, 12608	Codified at Chapter 32, p. 552
12040	Amended by EOs 12057, 12135. Continued by EO 12258.	Revoked by EO 12336
12041		Codified at Chapter 15, p. 271
12042	Amended EO 12022	Revoked by EO 12258
12043		Temporary
12044	Amended by EO 12090	Revoked by EO 12258
12045		Temporary
12046		Temporary
12047	Amended EO 12050	Revoked by EO 12135
12048		Codified at Chapter 22, p. 422
12049	Amended by EO 12097. Continued by EOs 12110, 12258.	Revoked by EO 12305
12050	Amended EO 11861	Revoked by EO 12076
12051	Amended by EO 12091	Revoked by EO 12258
12052		Revoked by EO 12103
12053	Continued by EO 12110	Revoked by EO 12258
12054	Continued by EOs 12110, 12258	Revoked by EO 12305
12055	Amended by EOs 12148, 12163	Revoked by EO 12356
12056		Revoked by EO 12292
12057	Amended by EO 12107	Codified at Chapter 29, p. 491
12058		Codified at Chapter 28, p. 468
12059	Amended EO 11861	Revoked by EO 12076
12060	Amended by EO 12107	Superseded by EO 12510
12061	Amended by EO 12100	Revoked by EO 12379
12062		Codified at Chapter 41, p. 841
12063		Codified at Chapter 41, p. 843
12064		Revoked by EO 12150
12065	Amended by EO 12148	Revoked by EO 12379
12066	Amended EO 11893. Amended by EOs 12099, 12111, 12119	Revoked by EO 12154
12067		Temporary
12068	Amended by EO 12213	Revoked by EO 12258
12069		Codified at Chapter 14, p. 237
12070		Amends EO 11030

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Number or Date	Amendments	Disposition
12081		Codified at Chapter 8, p. 156
12082		Revoked by EO 12239
12083	Amended by EOs 12121, 12148	Revoked by EO 12379
12084	Amended by EO 12097. Continued by EOs 12110, 12258.	Revoked by EO 12305
12085		Revoked by EO 12379
12086	Amended by EO 12608	Codified at Chapter 29, p. 494
12087		Superseded by EO 12165
12088	Amended by EO 12590	Codified at Chapter 40, p. 809
12089	Amended by EO 12107	Revoked by EO 12379
12090	Amended EO 12054	Revoked by EO 12258
12091	Amended EO 12061	Revoked by EO 12258
12092	Amended by EO 12161	Revoked by EO 12288
12093	Amended by EO 12151	Revoked by EO 12258
12094		Amends EO 11157
12095		Revoked by EO 12379
12096		Revoked by EO 12188
12097	Amended EOs 12059, 12084. Amended by EO 12305.	Revoked by EO 12553
12098	Amended EO 11562	Revoked by EO 12345
12099	Amended EO 12076	Revoked by EO 12154
12100	Amended EO 12071	Revoked by EO 12379
12101	Amended by EO 12608	Codified at Chapter 22, p. 401
12102		Amends EO 11846
12103	Amended by EO 12176	Revoked by EO 12258
12104		Amends EO 11888
12105	Amended by EO 12107	Codified at Chapter 5, p. 113
12106	Amended by EOs 12379, 12450	Codified at Chapter 29, p. 495
12107	Amended by EOs 12126, 12128, 12163, 12353, 12363, 12379.	Codified at Chapter 5, p. 113
12108		Sets effective date for Reorg. Plan No. 4 of 1978 (43 FR 47713, 3 CFR, 1978 Comp., p. 332)
12109		Codified at Chapter 5, p. 117
12110	Continued EOs 11145, 11183, 11287, 11562, 11753, 11776, 11807, 11970, 11992, 12059, 12063, 12064, 12084.	Superseded by EO 12258
12111	Amended EO 12076	Revoked by EO 12154
12112		Codified at Chapter 3, p. 25
12113	Amended by EO 12141	Revoked by EO 12322
12114		Codified at Chapter 40, p. 812
12115		Codified at Chapter 35, p. 743
12116		Codified at Chapter 45, p. 921
12117		Nullified by Presidential action of May 15, 1979 (44 FR 28773, 3 CFR, 1979 Comp., p. 485)
12118	Amended EO 10973. Amended by EO 12163	Amends EO 11958
12119	Amended EO 12076	Revoked by EO 12154
12120		Temporary
12121	Amended EO 12083	Revoked by EO 12379
12122		Amends EO 12028
12123	Amended by EO 12418	Codified at Chapter 40, p. 816
12124		Amends EO 11888
12125		Codified at 5 CFR Part 3.1
12126		Amends EO 12107
12127		Codified at Chapter 44, p. 880
12128	Amended EOs 11636, 12107	Revoked by EO 12292
12129		Revoked by EO 12553
12130		Revoked by EO 12258
12131	Amended by EO 12551. Continued by EOs 12258, 12399, 12489, 12534, 12610.	Codified at Chapter 15, p. 271
12132		Revoked by EO 12379
12133		Revoked by EO 12368
12134		Codified at Chapter 3, p. 25
12135	Amended by EO 12050	Revoked by EO 12336
12136		Revoked by EO 12493
12137	Amended by EOs 12245, 12292, 12399. Continued by EO 12258.	Codified at Chapter 22, p. 390
12138	Amended by EO 12608	Codified at Chapter 13, p. 221
12139	Amended by EO 12333	Codified at Chapter 32, p. 633
12140	Amended by EO 12162	Revoked by EO 12553
12141	Amended EO 12113	Revoked by EO 12322
12142		Codified at Chapter 10, p. 195

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Number or Date	Amendments	Disposition
12143		Codified at Chapter 22, p. 370
12144		Codified at Chapter 29, p. 495
12145		Revoked by EO 12292
12146	Amended by EO 12608	Codified at Chapter 28, p. 469
12147		Sets effective date for secs. 2, 3, and 4 of Reorg. Plan No. 2 of 1979 (44 FR 41165, 3 CFR, 1979 Comp., p. 510)
12148	Amended by EOs 12155, 12156, 12319, 12356, 12379, 12381	Codified at Chapter 44, p. 881
12149		Revoked by EO 12314
12150	Amended EO 11896	Revoked by EO 12553
12151	Amended EO 12093	Revoked by EO 12258
12152		Codified at Chapter 34, p. 702
12153	Amended by EOs 12186, 12189	Revoked by EO 12553
12154	Amended by EOs 12199, 12236, 12237, 12422, 12431, 12608	Codified at Chapter 5, p. 118
12155	Amended EO 12148 Amended by EO 12417	Revoked by Pub. L. 100-180 (101 Stat. 1247, 50 U.S.C. 98 nt.)
12156	Amended by EO 12379	Amends EOs 12038, 12148
12157		Revoked by EO 12258
12158		Amends EO 11155
12159		Revoked by EO 12379
12160	Amended by EO 12265	Codified at Chapter 16, p. 312
12161	Amended EO 12092	Revoked by EO 12288
12162	Amended EO 12140	Revoked by EO 12553
12163	Amended by EOs 12226, 12292, 12321, 12356, 12365, 12423, 12458, 12500, 12560, 12608, 12620, 12639	Codified at Chapter 22, p. 405
12164		Amends EO 11269
12165	Amended by EO 12200	Superseded by EO 12248
12166		Codified at Chapter 12, p. 203
12167		Codified at Chapter 15, p. 273
12168		Revoked by EO 12399
12169	Amended by EO 12213	Temporary
12170		Codified at Chapter 13, p. 204
12171	Amended by EOs 12338, 12410, 12559, 12632, 12666	Codified at Chapter 5, p. 119
12172	Amended by EO 12206	Codified at Chapter 8, p. 156
12173	Amended by EO 12203	Temporary
12174		Revoked by EO 12291
12175		Sets effective date for sec. 2(b)(1) of Reorg. Plan No. 3 of 1979 (44 FR 69273, 3 CFR, 1979 Comp., p. 513)
12176	Amended EO 12103	Revoked by EO 12258
12177		Codified at Chapter 5, p. 122
12178		Amends EO 11223
12179		Temporary
12180		Amends EO 11888
12181		Amends EO 11888
12182		Revoked by EO 12379
12183		Codified at Chapter 15, p. 273
12184		Revoked by EO 12553
12185		Codified at Chapter 10, p. 196
12186	Amended EO 12153	Revoked by EO 12553
12187	Amended by EO 12209	Revoked by EO 12553
12188	Amended by EO 12292	Codified at Chapter 15, p. 274
12189	Amended EO 12153	Revoked by EO 12553
12190	Continued by EOs 12258, 12399, 12489, 12534, 12610	Codified at Chapter 13, p. 225
12191		Codified at Chapter 49, p. 964
12192		Revoked by EO 12379
12193		Revoked by EO 12553
12194		Revoked by EO 12379
12195		Revoked by EO 12258
12196	Amended by EOs 12223, 12608 Continued by EOs 12258, 12399, 12489, 12534, 12610	Codified at Chapter 5, p. 123
12197		Codified at Chapter 32, p. 616
12198	Amended EO 11476 Amended by EO 12233	Rescinded by EO 12473
12199		Amends EO 12154
12200	Amended EO 12165	Superseded by EO 12248
12201	Amended by EO 12225	Temporary
12202	Amended by EO 12240	Revoked by EOs 12379, 12399
12203		Amends EO 12173

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Number or Date	Amendments	Disposition
12204		Amends Proc. 4707, EO 11888
12205	Amended by EOs 12211, 12282	Codified at Chapter 15, p. 277
12206		Amends EO 12172
12207		Revoked by EO 12379
12208	Amended by EO 12608	Codified at Chapter 8, p. 157
12209	Amended EO 12187	Revoked by EO 12553
12210		Amends EO 11958
12211	Amended by EO 12282	Codified at Chapter 15, p. 279
12212		Revoked by EO 12553
12213	Amended EO 12169	Temporary
12214		Codified at Chapter 15, p. 280
12215	Amended by EO 12652	Codified at Chapter 35, p. 744
12216	Continued by EOs 12258, 12399, 12489, 12534, 12610	Codified at Chapter 29, p. 496
12217		Revoked by EO 12437
12218		Temporary
12219	Amended EO 12078	Revoked by EO 12258
12220		Codified at Chapter 15, p. 281
12221	Amended EO 12044	Revoked by EO 12291
12222		Amends EO 11888
12223		Amends EO 12196
12224		Codified at Chapter 15, p. 284
12225	Amended EO 12201	Temporary
12226		Amends EO 12163
12227	Amended EO 11896	Revoked by EO 12553
12228	Amended by EO 12292	Codified at Chapter 22, p. 394
12229		Revoked by EO 12399
12230		Codified at Chapter 5, p. 127
12231		Codified at Chapter 10, p. 198
12232		Revoked by EO 12326
12233	Amended EOs 11476, 12198	Rescinded by EO 12473
12234		Codified at Chapter 46, p. 932
12235		Codified at Chapter 10, p. 198
12236		Amends EO 12154
12237		Amends EO 12154
12238		See note at EO 9698, Chapter 22, p. 399
12239		Revoked by EO 12396
12240	Amended EO 12202	Revoked by EO 12379
12241		Codified at Chapter 44, p. 887
12242		Revoked by EO 12346
12243		Amends EO 11157
12244		Revoked by EO 12553
12245	Amended EO 12137	Revoked by EO 12399
12246		Revoked by EO 12251
12247		Revoked by EO 12298
12248		Superseded by EO 12330
12249		Superseded by EO 12330
12250		Codified at Chapter 28, p. 471
12251		Revoked by EO 12341
12252		Temporary
12253		Codified at Chapter 32, p. 618
12254		Revoked by EO 12553
12255		Temporary
12256		Revoked by EO 12553
12257		Revoked by EO 12553
12258	Continued EOs 11145, 11183, 11287, 11562, 11776, 11970, 11992, 12050, 12059, 12064, 12084, 12131, 12137, 12190, 12196, 12216. Amended by EOs 12271, 12299, 12305, 12336.	Superseded by EO 12399
12259		Codified at Chapter 24, p. 435
12260	Amended by EOs 12347, 12388, 12474	Codified at Chapter 15, p. 284
12261		Codified at Chapter 41, p. 844
12262		Revoked by EO 12379
12263		Revoked by EO 12553
12264		Revoked by EO 12290
12265		Amends EO 12160
12266		Codified at Chapter 7, p. 144
12267		Amends EO 11888
12268		Codified at Chapter 22, p. 372
12269		Revoked by EO 12553
12270		Revoked by EO 12553
12271	Amended EO 12238. Amended by EO 12336.	Superseded by EO 12399

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Number or Date	Amendments	Disposition
12272		Codified at 22 U.S.C. 4041 et seq.
12273		Codified at 50 U.S.C. 403
12274	Amended by EO 12380	Amends EO 11157
12275		Revoked by EO 12379
12276	Ratified by EO 12294	Codified at Chapter 12, p. 204
12277	Ratified by EO 12294	Codified at Chapter 12, p. 206
12278	Ratified by EO 12294	Codified at Chapter 12, p. 207
12279	Ratified by EO 12294	Codified at Chapter 12, p. 209
12280	Ratified by EO 12294	Codified at Chapter 12, p. 210
12281	Ratified by EO 12294	Codified at Chapter 12, p. 212
12282	Ratified by EO 12294	Codified at Chapter 15, p. 286
12283	Ratified by EO 12294	Codified at Chapter 28, p. 473
12284	Ratified by EO 12294	Codified at Chapter 28, p. 474
12285	Ratified by EO 12294 Amended by EOs 12307, 12317	Revoked by EO 12379
12286		Revoked by EO 12316
12287		Codified at Chapter 10, p. 199
12288		Revokes EO 12092
12289		Codified at 22 U.S.C. 4041 et seq.
12290		Revokes EO 12264
12291		Codified at Chapter 34, p. 702
12292		Amends EOs 9154, 10471, 10477, 10624, 10903, 11034, 11219, 11264, 11434, 12137, 12163, 12188, 12228, 12228, 9452, 9514, 9799, 9837, 9932, 10249, 10897, 11636, 12066, 12128, 12145
12293	Amended by EOs 12363, 12388, 12536	Codified at Chapter 22, p. 395
12294	Amended by EO 12379	Codified at Chapter 28, p. 476
12295		Revoked by EO 12608
12296	Amended by EO 12309 Continued by EOs 12399, 12489, 12534, 12610	Codified at Chapter 3, p. 26
12297		Revoked by EO 12553
12298		Revokes EO 12247
12299	Amended EO 12258	Revoked by EO 12553
12300		Codified at 5 CFR 6.8
12301		Revoked by EO 12625
12302		Amends Procs. 4707, 4768, EO 11888
12303		Revoked by EO 12399
12304		Codified at Chapter 35, p. 747
12305		Amends EOs 12097, 12258, 12084, 12084, 12084
12306	Amended EO 11476	Rescinded by EO 12473
12307	Amended EO 12285	Revoked by EO 12379
12308	Amended by EO 12325	Revoked by EO 12399
12309		Amends EO 12296
12310	Amended by EO 12339	Revoked by EO 12399
12311		Amends EO 11888
12312		Amends EO 11448
12313		Codified at Chapter 5, p. 128
12314		Revoked by EO 12407
12315	Amended EO 11476	Rescinded by EO 12473
12316	Amended by EO 12418	Revoked by EO 12580
12317	Amended EO 12285	Revoked by EO 12379
12318		Codified at Chapter 34, p. 708
12319		Codified at Chapter 18, p. 330
12320		Codified at Chapter 48, p. 956
12321	Amended by EO 12423	Amends EOs 11958, 12163
12322	Amended by EO 12608	Codified at Chapter 18, p. 331
12323	Amended by EO 12366	Revoked by EO 12399
12324		Codified at Chapter 8, p. 158
12325	Amended EO 12308	Revoked by EO 12399
12326	Amended by EO 12443	Codified at 50 U.S.C. 403
12327		Revoked by EO 12553
12328	Amended by EO 12608	Codified at Chapter 25, p. 441
12329		Revoked by EO 12399
12330		Superseded by EO 12387
12331		Revoked by EO 12537
12332	Continued by EO 12399	Revoked by EO 12534
12333		Codified at Chapter 32, p. 634
12334		Codified at Chapter 32, p. 649
12335	Amended by EOs 12397, 12402	Revoked by EO 12534
12336		Codified at Chapter 45, p. 921

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Number or Date	Amendments	Disposition
12337		Amends EO 11157
12338		Amends EO 12171
12339	Amended EO 12310	Revoked by EO 12399
12340	Amended EO 11476	Rescinded by EO 12473
12341		Codified at Chapter X, p. 159
12342		Revokes EO 11643
12343		Codified at Chapter 22, p. 372
12344		Codified at Chapter 32, p. 554
12345	Amended by EO 12539. Continued by EOs 12399, 12489, 12534, 12610	Codified at Chapter 45, p. 922
12346		Codified at Chapter 10, p. 700
12347		Amends EO 12260
12348		Revoked by EO 12512
12349		Amends EO 11888
12350		Revokes EO 12074
12351		Revoked by EO 12553
12352		Codified at Chapter 41, p. 845
12353	Amended by EO 12404	Codified at Chapter 5, p. 128
12354	Amended by EOs 12371, 12389	Amends Procs. 4707, 4768, ET 1188
12355		Amends EO 12336
12356		Codified at Chapter 32, p. 650
12357	Amended EO 11896	Revoked by EO 12553
12358	Amended by EOs 12376, 12415	Revoked by EO 12553
12359		See note at EO 9698, Chapter 22, p. 399
12360		Revoked by EO 12399
12361		Codified at Chapter 22, p. 373
12362	Amended by EO 12585	Codified at Chapter 5, p. 130
12363	Amended by EO 12388	Amends EO 12293. Revokes EO 11284
12364	Amended by EO 12645	Codified at Chapter 5, p. 131
12365		Amends EOs 11958, 12163
12366	Amended EO 12423	Revoked by EO 12399
12367	Amended by EOs 12378, 12593. Continued by EOs 12399, 12489, 12534, 12610	Codified at Chapter 45, p. 924
12368	Amended by EO 12590	Codified at Chapter 21, p. 340
12369	Amended by EOs 12398, 12429, 12447, 12455	Revoked by EO 12534
12370		Revoked by EO 12553
12371	Amended by EO 12389	Amends Procs. 4707, EOs 11888, 12354
12372	Amended by EO 12416	Codified at Chapter 34, p. 709
12373		Revoked by EO 12553
12374	Amended by EO 12408	Codified at Chapter 22, p. 373
12375		Amends EO 11912
12376	Amended EO 12158	Revoked by EO 12553
12377		Amends EO 9080
12378		Amends EO 12367
12379		Amends EOs 12106, 12107, 12148, 12156, 12294. Revokes EOs 11022, 11256, 11330, 11547, 11654, 11762, 11829, 11853, 12042, 12071, 12073, 12083, 12085, 12089, 12095, 12100, 12121, 12132, 12156, 12182, 12192, 12194, 12202, 12207, 12240, 12262, 12275, 12285, 12307, 12317
12380		Amends EOs 11157, 12274. Revokes EOs 11253, 11716
12381		Amends EOs 10480, 12148
12382	Continued by EOs 12399, 12454, 12534, 12610	Codified at Chapter 47, p. 944
12383	Amended EO 11476	Rescinded by EO 12473
12384		Revoked by EO 12553
12385		Revoked by EO 12553
12386		Revoked by EO 12553
12387		Superseded by EO 12456
12388		Amends EOs 12047, 12048, 12261, 12293, 12363
12389	Amended by EO 12413	Amends Proc. 4707, EO 11888
12390		Revoked by EO 12553
12391		Codified at Chapter 32, p. 619
12392		Revoked by EO 12553
12393		Revoked by EO 12553
12394	Amended by EO 12488	Amends EO 11157. Revokes EO 11473
12395	Continued by EOs 12399, 12489	Revoked by EO 12553
12396		Codified at Chapter 32, p. 620
12397	Amended EO 12335	Revoked by EO 12553

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Number or Date	Amendments	Disposition
12398	Amended EO 12369. Amended by EO 12429.	Revoked by EO 12553.
12399	Amended EOs 12039, 12137. Continued EOs 11143, 11183, 11287, 11776, 12131, 12190, 12196, 12216, 12296, 12332, 12343, 12367, 12382, 12395.	Superseded by EO 12534.
12400	Amended by EOs 12406, 12424.	Revoked by EO 12534.
12401	Amended by EO 12442.	Revoked by EO 12534.
12402	Amended EO 12335.	Revoked by EO 12553.
12403		Codified at Chapter 31, p. 517.
12404		Amends EO 12353.
12405		Revoked by EO 12553.
12406	Amended EO 12400.	Revoked by EO 12424.
12407		Revokes EO 12314.
12408	Amended EO 12374.	Revoked by EO 12553.
12409		Revoked by EO 12553.
12410		Amends EO 12171.
12411		Codified at Chapter 41, p. 847.
12412		Revoked by EO 12534.
12413	Amended by EO 12471.	Amends Procs. 4707, 4768; EOs 11888, 12389.
12414		Revoked by EO 12553.
12415	Amended EO 12358.	Revoked by EO 12553.
12416		Amends EO 12372.
12417		Amends EO 12155.
12418		Codified at Chapter 40, p. 816.
12419		Codified at Chapter 46, p. 933.
12420		Amends EO 11157.
12421	Amended by EO 12476.	Revoked by EO 12534.
12422		Amends EO 12154.
12423		Amends EOs 11958, 12163, 12321.
12424		Amends EO 12400. Revokes EO 12406.
12425		See note at EO 9698, Chapter 22, p. 399.
12426	Amended by EO 12482.	Revoked by EOs 12534, 12608.
12427		Revoked by EOs 12553, 12610.
12428	Amended by EOs 12440, 12457.	Revoked by EO 12534.
12429	Amended EOs 12369, 12398.	Revoked by EO 12553.
12430		Revokes EO 10936.
12431		Amends EO 12154.
12432		Codified at Chapter 13, p. 226.
12433	Amended by EO 12449.	Revoked by EO 12534.
12434		Revoked by EO 12553.
12435	Amended by EO 12507.	Revoked by EO 12610.
12436		Codified at Chapter 38, p. 788.
12437		Revokes EO 12217.
12438		Codified at Chapter 5, p. 133.
12439		Revoked by EO 12534.
12440	Amended EO 12428.	Revoked by EO 12553.
12441		Tariff.
12442	Amended EO 12401.	Revoked by EO 12553.
12443		Codified at 50 U.S.C. 403.
12444	Continued EOs 12002, 12214; 15 CFR Parts 368-399.	Revoked by EO 12451.
12445		Codified at Chapter 19, p. 335.
12446		Codified at 22 U.S.C. 4041 et seq.
12447	Amended EO 12369.	Revoked by EO 12553.
12448		Codified at Chapter 41, p. 848.
12449	Amended EO 12433.	Revoked by EO 12553.
12450		Amends EOs 11830, 12106.
12451		Codified at Chapter 15, p. 287.
12452		Codified at Chapter 42, p. 854.
12453		Codified at Chapter 22, p. 373.
12454		Continues EO 12382.
12455	Amended EO 12369.	Revoked by EO 12553.
12456	Amended by EOs 12477, 12487.	Superseded by EO 12496.
12457	Amended EO 12428.	Revoked by EO 12553.
12458		Amends EO 12163.
12459		Tariff.
12460	Amended EO 11476.	Rescinded by EO 12473.
12461		Codified at Chapter 5, p. 133.
12462	Amended by EOs 12497, 12533, 12579, 12617.	Codified at Chapter 29, p. 497.
12463		Revoked by EO 12553.
12464		Amends EO 11016.
12465		Codified at Chapter 49, p. 966.

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Number or Date	Amendments	Disposition
12466		Amends EO 11609
12467		See note at EO 9698, Chapter 22, p. 399
12468		Revoked by E.O. 12534
12469		Codified at Chapter 15, p. 288
12470		Revoked by EO 12525
12471		Tariff
12472		Codified at Chapter 47, p. 946
12473		Codified at Chapter 32, p. 621
12474		Amends EO 12260
12475		Codified at Chapter 15, p. 288
12476	Amended EO 12421	Revoked by EO 12553
12477	Amended EO 12456. Amended by EO 12487	Superseded by EO 12486
12478		Codified at Chapter 22, p. 374
12479		Codified at Chapter 34, p. 711
12480		Revoked by EO 12553
12481		Revoked by EO 12553
12482	Amended EO 12426	Revoked by EO 12553
12483		Amends EO 11888
12484		See note at EO 12473, Chapter 32, p. 621
12485		Codified at 50 U.S.C. 403
12486		Revoked by EO 12553
12487	Amended EOs 12456, 12477	Superseded by EO 12486
12488		Amends EO 11157
12489	Continued EOs 11145, 11183, 11287, 11776, 12131, 12190, 12196, 12216, 12296, 12345, 12367, 12395	Superseded by EO 12534
12490	Amended by EO 12545	Revoked by EO 12610
12491		Revoked by EO 12553
12492		Revoked by EO 12553
12493	Amended by EO 12516. Continued by EO 12602	Codified at Chapter 34, p. 713
12494		Amends EO 11157
12495		Revoked by EO 12553
12496	Amended by EO 12540	Superseded by EO 12578
12497		Amends EO 12462
12498		Codified at Chapter 34, p. 715
12499		Revoked by EO 12534
12500		Amends EO 12163
12501		Codified at Chapter 9, p. 169
12502		Revoked by EO 12534
12503	Amended by EO 12529	Revoked by EO 12610
12504		Codified at Chapter 15, p. 289
12505		Codified at Chapter 34, p. 717
12506		Temporary
12507	Amended EO 12435	Revoked by EO 12610
12508		See note at EO 9698, Chapter 22, p. 399
12509		Temporary
12510		Amends EO 10000
12511		Revoked by EO 12610
12512		Codified at Chapter 41, p. 849
12513		Codified at Chapter 15, p. 290
12514		Codified at Chapter 32, p. 622
12515		Tariff
12516		Amends EO 12493
12517		Codified at Chapter 22, p. 375
12518		Amends EO 11961
12519	Amended by Proc. 5690	Tariff
12520		Codified at Chapter 35, p. 747
12521		Amends EO 10480
12522		Amends EO 11609
12523		Codified at Chapter 13, p. 228
12524		Tariff
12525		Codified at Chapter 15, p. 290
12526	Amended by EO 12542	Revoked by EO 12610
12527		Amends EO 11252
12528	Amended by EO 12604	Codified at Chapter 45, p. 926
12529	Amended EO 12503	Revoked by EO 12610
12530		Temporary
12531		Temporary
12532		Codified at Chapter 15, p. 291
12533		Amends EO 12464

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<i>Number or Date</i>	<i>Amendments</i>	<i>Disposition</i>
12534	Continued EOs 11145, 11183, 11287, 11778, 12131, 12190, 12198, 12216, 12296, 12345, 12367, 12382	Superseded by EO 12610
12535		Codified at Chapter 19, p. 336
12536		Amends EO 12293
12537	Amended by EO 12624	Codified at Chapter 32, p. 663
12538		Codified at Chapter 19, p. 337
12539		Amends EO 12345
12540	Amended EO 12496	Executed and obsolete
12541		Amends EO 11157
12542	Amended EO 12526	Revoked by EO 12610
12543		Codified at Chapter 15, p. 295
12544		Codified at Chapter 28, p. 477
12545	Amended EO 12090	Revoked by EO 12610
12546		Revoked by EO 12610
12547		Revoked by EO 12597
12548		Codified at Chapter 7, p. 145
12549		Codified at Chapter 34, p. 718
12550		See note at EO 12473, Chapter 32, p. 621
12551		Amends EO 12131
12552		Superseded by EO 12637
12553		Revokes EOs 723, 3577, 5491, 5918, 6359, 6558, 8427, 9095, 9193, 9553, 9555, 9567, 9573, 9576, 9588, 9640, 9663, 9675, 9684, 9700, 9702, 9713, 9716, 9717, 9719, 9721, 9731, 9748, 9749, 9763, 9770, 9782, 9793, 9798, 9803, 9838, 9855, 9874, 9878, 9880, 9891, 9899, 9900, 9910, 9918, 9922, 9923, 9929, 9936, 9940, 9942, 9947, 9948, 9949, 9965, 9971, 9988, 9991, 9992, 9996, 10001, 10008, 10010, 10015, 10029, 10032, 10037, 10038, 10045, 10048, 10050, 10051, 10054, 10056, 10067, 10071, 10078, 10080, 10103, 10105, 10106, 10109, 10112, 10114, 10116, 10117, 10120, 10125, 10130, 10138, 10139, 10140, 10142, 10147, 10150, 10157, 10165, 10167, 10202, 10203, 10230, 10232, 10258, 10283, 10285, 10286, 10292, 10300, 10303, 10306, 10314, 10319, 10323, 10328, 10344, 10363, 10366, 10368, 10371, 10372, 10376, 10406, 10415, 10417, 10420, 10449, 10458, 10469, 10504, 10505, 10509, 10511, 10542, 10543, 10562, 10570, 10576, 10578, 10587, 10593, 10594, 10601, 10615, 10622, 10630, 10635, 10643, 10644, 10650, 10657, 10659, 10689, 10691, 10693, 10696, 10709, 10710, 10714, 10723, 10734, 10735, 10738, 10749.

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Number or Date	Amendments	Disposition
		10750, 10757, 10760, 10770, 10774
		10809, 10811, 10837, 10842, 10843
		10848, 10862, 10866, 10872, 10874
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